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ONTARIO

ONTARIO MUNICIPAL BOARD
123 Edward Street
Toronto

Government
Publications

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144

67TH ANNUAL REPORT
of
THE ONTARIO MUNICIPAL BOARD
Upon the Affairs of the Board
During the Year Ended
December 31, 1972

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323

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ONTARIO MUNICIPAL BOARD

PART I

NATURE AND SCOPE OF THIS REPORT

This is the report of the Board for the calendar year 1972 made under Section 100 of The Ontario Municipal Board Act, R.S.O. 1970 as amended, which reads as follows:

100. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

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PART II

ESTABLISHMENT AND OPERATION

The Board is established and exists under authority of The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of the jurisdiction is created or vested by that statute itself, but many other duties are reposed in the Board by other statutes, notably The Municipal Act, The Planning Act, the School Acts, The Highway Improvement Act and The Assessment Act.

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PART III

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

W. H. PALMER (Appointed November 1st, 1972)	Chairman
J. A. KENNEDY, Q.C. (Appointed October 1st, 1956) (Retired October 31st, 1972)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
R. M. MCGUIRE (Appointed November 1st, 1963)	Vice-Chairman
A. L. MCCRAE (Appointed December 1st, 1958)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
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B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
S. S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member

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K. C. ANDREWS

(Appointed September 20th, 1971)

Secretary

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All Board Members and staff are engaged full-time. The Board's Chambers are located at 123 Edward Street, Toronto. Enquiry - Sixth Floor.

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PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. This Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which latter this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion.

The Board requires notice of applications for approval of land use control by-laws passed under authority of The Planning Act to be given to owners especially affected and if the number is too great for individual notice, by publication. If objection is made a hearing is held.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability. Part V of this report deals with this responsibility.

In 1972 the Board conducted 1496 hearings on various individual matters and a total of 5918 orders were issued during the year.

PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities
- 2: Approval of Capital undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision
- 4: Assessment Appeals

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of nine annexations ordered by the Board during the year as well as one amalgamation, one erection of a township and redivision of wards in the City of London and the Borough of North York.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last six years:

<u>Year</u>	<u>Number</u>	<u>Amount</u> \$
1967	2,869	608,595,545.48
1968	2,841	703,939,055.03
1969	2,456	666,407,390.00
1970	2,425	652,300,476.89
1971	2,523	509,516,535.93
1972	2,606	661,480,193.32

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

The duties of this nature conferred on the Board are perhaps unique in any democratic jurisdiction. The power to approve official plans, official plan amendments and plans of subdivision is vested by the statute in the first instance in the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. However, the Minister may, and in certain cases shall, refer the application for approval to be decided by this Board. While not required by statute so to do, the Board invariably holds a public hearing on notice to all those believed to have an interest in the subject matter.

By-laws authorized by Section 35 of The Planning Act, referred to in the statute as restricted area by-laws and commonly referred to as zoning by-laws, are perhaps more properly called land use control by-laws. Because this term is cumbersome and the term zoning by-law is so convenient this latter reference is rapidly assuming a status through general acceptance. Study should be given to incorporating this description into the statute with an appropriate definition.

The Board's whole practice and administration of this jurisdiction under The Planning Act are both oriented and geared to protect the individuals and minorities having the greatest interest, those in the immediate neighbourhood. The power to pass by-laws or refrain is vested by the statute in the local council. Both in law and in fact these elected representatives are charged with the responsibility of serving the greatest common good of the whole community.

A procedure has been established by the Board whereby municipalities are requested to give notice of intention to apply to the Board for approval of any such by-law that has been passed. The notice required is one calculated best to bring the proposed publication to the notice of all those concerned. A specific period of time, usually fourteen days, is given for objections in writing to be delivered to the municipal clerk. A similar notice is sent to the Plans Administration Branch of the Ministry of Treasury, Economics and Intergovernmental Affairs in order that the Board may receive an opinion from that Branch on planning and technical aspects of the by-law. If these opinions are critical they are made available for study and comment by those concerned.

If no objection is made approval is practically routine. If there are objections a hearing is held in the municipality on notice to land owners specially concerned and to all objectors.

At these hearings the Board determines first whether the measure proposed is a reasonable exercise of the discretion reposed in council by the Legislature. If the answer to that question is in the negative that is the end of the matter.

If, however, the answer is in the affirmative, the Board proceeds to inquire and determine whether any individual or minority right is unduly interfered with or invaded by the proposed measure. If the answer to that question is in the affirmative the Board declines to approve unless the measure is required in the public interest and there is no reasonable alternative to serve the public

interest in an acceptable way. If the answer to this question is in the negative the Board proceeds to examine objections that the measure does not conform to good planning principles and concepts.

On this question the Board considers the evidence and submissions and will make findings. If these are in favour the proposed measure will be approved. If they are not and the measure before the Board has been proposed by the local council, the matter will be referred back to council with the Board's comments for further consideration.

But in the final analysis where only the public interest is concerned and the measure seems a reasonable exercise of the discretion vested in council by the Legislature, the Board will defer to the judgment or decision of the local elected representatives.

	<u>1972</u>	<u>1971</u>	<u>1970</u>	<u>1969</u>
1: Applications for approval of restricted area by-laws	1779	1607	1527	1749
2: Applications for approval of plans of redevelopment	2	11	3	2
3: Applications for approval of proposed plans of subdivision	2	8	10	6
4: Applications for approval of official plan amendments	48	38	36	37
5: Appeals to Board for a direction that a restricted area by-law be amended by Council	58	87	80	62
6: Appeals from committees of adjustment and land division committees	1222	976	789	292
Total	<u>3111</u>	<u>2727</u>	<u>2445</u>	<u>2148</u>

SECTION 4

Assessment Appeals

During the year 1972 assessment and other appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	226
<u>The Conservation Authorities Act</u>	39
<u>The Local Improvement Act</u>	7
<u>The Highway Improvement Act</u>	6
<u>The Municipal Act</u>	64
Special legislation	19
Other	16
	<u>377</u>

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PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

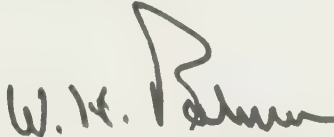
The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1972, and the preceding seven years. In conformity with the present system of provincial accounting this table is given for the fiscal year, in contrast to other statistics contained in this report which are made for the calendar year ending December 31, 1972.

<u>Fiscal Year</u>	<u>Amount</u>
1964-65	\$ 308,066.04
1965-66	442,623.27
1966-67	578,484.00
1967-68	611,815.82
1968-69	563,956.95
1969-70	493,142.11
1970-71	515,709.01
1971-72	480,737.80

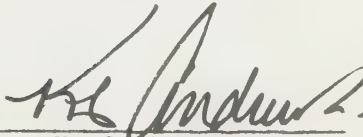
The revenues of the Board for the calendar year 1972 amounted to \$553,336.50, an increase from \$452,308.16 in the

calendar year 1971. This was due to the increases in the total amount of capital expenditures approved and the additional number of applications received in 1972.

All of which is respectfully submitted.



W. H. PALMER
CHAIRMAN



K. C. ANDREWS
SECRETARY

This is SCHEDULE "A" to the 67TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1972, made to

THE HONOURABLE THE ATTORNEY GENERAL

<u>Annexations</u>	<u>Effective Date</u>
To : <u>BAIMERTOWN, Improvement District of</u> From: McKenzie Island	Jan. 1, 1973
To : <u>BELLE RIVER, Town of</u> From: Rochester, Township (part)	Jan. 1, 1973
To : <u>BLLENHEIM, Town of</u> From: Harwich, Township (part)	June 1, 1972
To : <u>BLIND RIVER, Town of</u> From: Cobden, Geographic Township (part)	Sept. 1, 1972
To : <u>CHATHAM, City of</u> From: Raleigh, Township (part)	March 1, 1972
To : <u>CHATHAM, City of</u> From: Raleigh, Township (part)	Jan. 1, 1973
To : <u>MIDLAND, Town of</u> From: Tiny, Township (part)	Jan. 1, 1973
To : <u>RENFREW, Town of</u> From: Horton, Township (part)	Jan. 1, 1973
To : <u>TILBURY, Town of</u> From: Tilbury North, Township (part)	Jan. 1, 1973

<u>Amalgamations</u>	
Black River-Matheson, Township of - Playfair, Township of and Kingham, Improvement District of	Jan. 1, 1973

<u>Erections</u>	
Ear Falls, Improvement District of into a Township Municipality	Jan. 1, 1973

SCHEDULE "A" - continued

	<u>Incorporations</u>	<u>Effective Date</u>
To :	<u>Owens, Williamson and Idington,</u>	
	Township of	
From:	Val Rita-Harty (Unorganized)	Jan. 15, 1973

	<u>Dissolutions</u>	
Martintown, Police Village of		Jan. 1, 1973

	<u>Redivision into Wards</u>	
London, City of		Jan. 1, 1973
North York, Borough of		Jan. 1, 1973

S U M M A R Y

Annexations	-	9
Amalgamations	-	1
Erections	-	1
Incorporations	-	1
Dissolutions	-	1
Redivision into Wards	-	<u>2</u>
Total	-	<u><u>15</u></u>

This is SCHEDULE "B" to the 67TH ANNUAL REPORT OF THE ONTARIO MUNICIPAL BOARD
for the year 1972, made to
THE HONOURABLE THE ATTORNEY GENERAL

Classification of Municipal Capital Expenditures approved during 1972

I - MUNICIPAL

(1) <u>General Government</u>	Amount Approved	<u>1972</u>	<u>1971</u>
Civic Buildings	\$ <u>11,106,187.00</u>	\$ 11,106,187.00	\$ 9,158,100.00
(2) <u>Protection to Persons and Property</u>			
Fire	4,262,668.15		
Police	5,358,462.00		
Street Lighting	<u>788,362.22</u>	10,409,492.37	8,667,632.14
(3) <u>Public Works</u>			
(a) <u>Grade Separations</u>	2,368,247.00		
Streets, Roads, Lanes	93,348,833.44		
Sidewalks	6,878,239.12		
Bridges	6,975,349.76		
Tunnels, Subways	1,952,576.00		
Road Making Machinery	655,320.82		
Conservation Projects	30,746,704.35		
Workshops, Yards	535,094.00		
Waterways, Harbour			
Developments	<u>657,160.00</u>	144,117,524.49	107,425,339.77
(b) <u>Watermains</u>	28,052,286.92		
Storm Sewers, Ditches,			
Drains	<u>65,946,590.72</u>	93,998,877.64	113,013,334.66
(4) <u>Sanitation and Waste Removal</u>			
Sanitary Sewers	40,314,727.66		
Sewage Treatment	23,473,104.39		
Garbage	2,959,563.57		
Waste Collection	2,424,500.00		
Pollution	10,181,000.00		
Comfort Stations	193,648.00		
Health Clinics	<u>40,000.00</u>	79,586,543.62	60,321,915.96
(5) <u>Health</u>			
Hospitals	<u>21,574,613.59</u>	21,574,613.59	12,533,951.00

SCHEDULE "B" - continued

		Amount Approved	1972	1971
(6)	<u>Social Welfare</u>			
	Home for Aged	\$ 33,578,912.00		
	Charitable Institutions	<u>150,000.00</u>	\$ 33,728,912.00	\$ 5,389,900.00
(7)	<u>Recreation Services</u>			
	Amusement Parks	7,416,485.25		
	Golf Courses	9,410,000.00		
	Skating Rinks	8,483,587.91		
	Swimming Pools	2,405,514.14		
	Community Centres	<u>5,527,216.00</u>	33,242,803.30	19,818,865.56
(8)	<u>Community Services</u>			
	Exhibitions, Fairs	2,850,000.00		
	Theatres, Art Galleries	160,000.00		
	Libraries	16,444,225.00		
	Housing	<u>4,605,000.00</u>	<u>24,059,225.00</u>	<u>14,680,012.00</u>
	Total General Government		<u>\$451,824,179.01</u>	<u>\$351,009,051.09</u>

II - EDUCATION

Schools

Elementary	99,837,971.61		
Secondary	<u>30,702,934.93</u>	130,540,906.54	116,400,503.60

III - UTILITIES

Enterprises

Telephone	130,000.00		
Electricity	9,543,401.00		
Waterworks	24,468,193.36		
Transportation	12,828,000.00		
Acquisition of Lands	12,356,447.81		
Others: parking included	13,214,576.43		
Water Pollution	5,868,099.00		
Gas	150,000.00		
Fuel	556,390.17	79,115,107.77	42,106,981.24

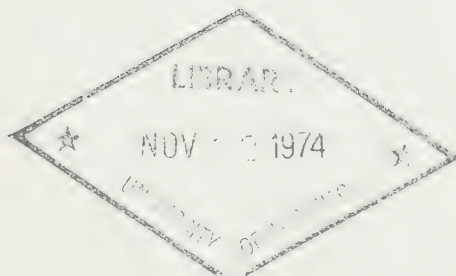
S U M M A R Y

General Government	\$451,824,179.01	\$351,009,051.09
Education	130,540,906.54	116,400,503.60
Utilities	<u>79,115,107.77</u>	<u>42,106,981.24</u>
		<u>\$661,480,193.32</u>	<u>\$509,516,535.93</u>

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**68th Annual Report of The Ontario
Municipal Board** for year ended
December 31st
1973





Ontario Municipal Board

123 Edward Street
Toronto

68th ANNUAL REPORT
of
THE ONTARIO MUNICIPAL BOARD
Upon the Affairs of the Board
During the Year Ended
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TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323



Ontario Municipal Board

PART I

NATURE AND SCOPE OF THIS REPORT

This is the report of the Board for the calendar year 1973 made under Section 100 of The Ontario Municipal Board Act, R.S.O. 1970 as amended, which reads as follows:

100. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

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PART II

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PART III

MEMBERSHIP AND ORGANIZATION

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W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
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B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968) (Retired December 31st, 1973)	Member
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S. S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member
P. M. BROOKS (Appointed November 1st, 1973)	Member
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K. C. ANDREWS	Secretary

PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. This Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

The Board requires notice of applications for approval of land use control by-laws passed under authority of The Planning Act to be given to owners especially affected and if the number is too great for individual notice, by publication. If objection is made a hearing is held.

In matters of law and jurisdiction there is an appeal from the Board to the Divisional Court or the Court of Appeal and on practically all matters there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

In 1973 the Board conducted 1,953 hearings on applications and appeals and a total of 6,841 orders of the Board were prepared and issued during the year.

PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision
- 4: Assessment Appeals
- 5: Miscellaneous Applications

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of seventeen annexations ordered by the Board during the year as well as two amalgamations, one erection of a township, one incorporation and three dissolutions of police villages.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The following table shows the number of new capital expenditure applications received in each of the last six years:

<u>Year</u>	<u>Number</u>
1968	2,841
1969	2,456
1970	2,425
1971	2,523
1972	2,606
1973	3,397

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

	<u>1973</u>	<u>1972</u>	<u>1971</u>	<u>1970</u>
1: Applications for approval of restricted area by-laws	2255	1779	1607	1527
2: Applications for approval of plans of redevelopment	3	2	11	3
3: Applications for approval of proposed plans of subdivision	5	2	8	10
4: Applications for approval of official plan amendments	121	48	38	36
5: Miscellaneous applications	8	58	87	80
6: Appeals from committees of adjust- ment and land division committees	1490	1222	976	789
Total	<u>3882</u>	<u>3111</u>	<u>2727</u>	<u>2445</u>

SECTION 4

Assessment Appeals

There were 126 assessment appeals made to the Board during the year 1973.

SECTION 5

Miscellaneous Applications

During the year 1973, applications were made to the Board under the several statutes as follows:

The Conservation Authorities Act	33
The Local Improvement Act	2
The Municipal Act	55
The Municipal Affairs Act	2
The Municipal Elections Act	6
The Municipal Franchise Act	1
The Ontario Municipal Board Act	2
The Pits and Quarries Control Act	10
Public Transportation and The Highway Improvement Act	5
The Secondary Schools and Boards of Education Act	1
Special Legislation (municipalities)	<u>23</u>
	<u>140</u>

PART VI

GENERAL

An internal reporting system has been implemented to keep the Board aware of the number of applications and the procedural status of each application. This will enable the Board to anticipate overloads in various parts of the administrative procedure and take action to prevent serious backlogs.

As indicated elsewhere in the report the number of applications coming to the Board is increasing at a substantial rate and efforts are being made to cope with the increased load in several ways.

1: A number of cases can be expedited by dealing with minor matters or disputes by way of preliminary motion at the Board's Chambers and thus eliminating the waiting period for a full hearing.

This procedure is encouraged by the Board.

2: Many hearing days are lost when at the outset of a hearing the Board is faced with a motion for adjournment on the grounds that a party has had insufficient time to prepare. In an attempt to reduce the number of requests for adjournment for this reason, the Board has increased the time by which notice must be given before the date set for hearing from 21 to 30 days.

3: New administrative procedures have been implemented to expedite the flow of applications up to the decision stage.

There appears to be increased activity in the planning process by municipalities and an increased awareness and interest by the public in all matters requiring Ontario Municipal Board approval, apparently resulting in the increased workload mentioned above.

Selected cases of the Ontario Municipal Board for the year 1972 were published in the year 1973 and cases are now being reported currently by Canada Law Book Limited. This is one of the recommendations of the Select Committee on the Ontario Municipal Board 1972. In addition, the Osgoode Hall Library provides an index service for Board decisions.

PART VII

REVENUE


In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications, appeals and orders.

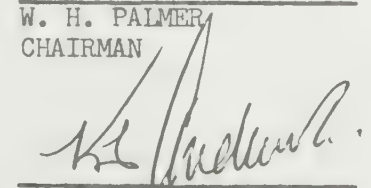
The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1973, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report for the calendar year of 1973.

<u>Fiscal Year</u>	<u>Amount</u>
1967-68	\$ 611,815.82
1968-69	563,956.95
1969-70	493,142.11
1970-71	515,709.01
1971-72	480,737.80
1972-73	519,367.77

The revenues of the Board for the calendar year 1973 amounted to \$529,589.71.

All of which is respectfully submitted.


W. H. PALMER
CHAIRMAN


K. C. ANDREWS
SECRETARY

This is SCHEDULE "A" to the 68TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1973, made to
THE HONOURABLE THE ATTORNEY GENERAL

<u>Annexations</u>	<u>Effective Date</u>
To : <u>HEARST, Town of</u> From: Kendall and Way, Unorganized Townships (part)	Jan. 1, 1973
To : <u>ESSEX, Town of</u> From: Colchester North, Township (part)	Jan. 1, 1973
To : <u>SIOUX LOOKOUT, Town of</u> From: Grand Trunk Pacific Block 10	Jan. 1, 1973
To : <u>SHUNIAH, Township of</u> From: District of Thunder Bay (Unorganized lands)	July 1, 1973
To : <u>LISTOWEL, Town of</u> From: Wallace and Elma, Townships of (parts)	Jan. 1, 1974
To : <u>BOLTON, Village of</u> From: Albion, Township of (part)	Jan. 1, 1973
To : <u>PEMBROKE, City of</u> From: Pembroke, Township of (part)	May 1, 1973
To : <u>CHATHAM, City of</u> From: Harwich, Township of (part)	May 1, 1973
To : <u>TRENTON, Town of</u> From: Murray, Township of (part)	April 1, 1973
To : <u>PETROLIA, Town of</u> From: Enniskillen, Township of (part)	March 1, 1974
To : <u>KINGSVILLE, Town of</u> From: Gosfield South, Township of (part)	Oct. 1, 1973
To : <u>PERTH, Town of</u> From: North Elmsley, Township of (part)	Jan. 1, 1974
To : <u>CHATHAM, City of</u> From: Dover, Township of (part)	Nov. 1, 1973
To : <u>ALMONTE, Town of</u> From: Ramsay, Township of (part)	July 1, 1974

SCHEDULE "A" - continued

<u>Annexations</u>	<u>Effective Date</u>
To : <u>PORT ELGIN, Town of</u> From: Saugeen, Township of (part)	July 1, 1974
To : <u>NORTH SHORE, Improvement District of</u> From: <u>Islands in North Channel of Lake Huron</u>	Jan. 1, 1974
To : <u>BLENHEIM, Town of</u> From: Harwich, Township of (part)	July 1, 1974

<u>Amalgamations</u>	
Bonfield, Town of Bonfield, Township of	Jan. 1, 1975
Dalhousie and North Sherbrooke, Township of Lavant, Township of	Jan. 1, 1974

<u>Erections</u>	
Manitouwadge, Improvement District of into a Township Municipality	Jan. 1, 1975

<u>Incorporations</u>	
North Shore, Improvement District comprising Shedden, Lewis, Spragge, Long, and the eastern portion of Striker (Unorganized Townships)	March 1, 1973

<u>Dissolutions</u>	
Police Village of Sombra	Jan. 1, 1974
Police Village of Frankville	May 1, 1973
Police Village of Corunna	Jan. 1, 1973

<u>S U M M A R Y</u>		
Annexations	-	17
Amalgamations	-	2
Erections	-	1
Incorporations	-	1
Dissolutions	-	3
Total	-	<u>24</u>

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69th Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1974



69th Annual Report of
The Ontario Municipal Board
for year ended
December 31st, 1974



Ontario Municipal Board

123 Edward Street
Toronto

69TH ANNUAL REPORT
of
THE ONTARIO MUNICIPAL BOARD
Upon the Affairs of the Board
During the Year Ended
December 31, 1974

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323



Ontario Municipal Board

PART I

NATURE AND SCOPE OF THIS REPORT

This is the report of the Board for the calendar year 1974 made under Section 100 of The Ontario Municipal Board Act, R.S.O. 1970 as amended, which reads as follows:

100. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

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PART II

ESTABLISHMENT AND OPERATION

The Board is established and exists under authority of The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of the jurisdiction is created or vested by the statute itself, but many other duties are reposed in the Board by other statutes, notably The Municipal Act, The Planning Act, The Secondary Schools and Boards of Education Act, The Public Transportation and Highway Improvement Act and The Assessment Act.

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PART III

MEMBERSHIP AND ORGANIZATION

All Board Members and staff are engaged full-time. The Board's Chambers are located at 123 Edward Street, Toronto. Enquiry - Sixth Floor.

W. H. PALMER (Appointed November 1st, 1972)	Chairman
R. M. McGUIRE (Appointed November 1st, 1963)	Vice-Chairman (Administration)
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
F. G. BLAKE (Appointed November 15th, 1962)	Vice-Chairman
A. L. McCRAE (Appointed December 1st, 1958)	Vice-Chairman
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
S. S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member
P. M. BROOKS (Appointed November 1st, 1973)	Member
A. B. BALL (Appointed January 1st, 1974)	Member

H. E. STEWART (Appointed April 1st, 1974)	Member
C. G. EBERS, Q.C. (Appointed August 12th, 1974)	Member
H. W. KELLY, Q.C. (Appointed September 3rd, 1974)	Member
J. A. WHEELER (Appointed September 3rd, 1974)	Member
E. A. SEABORN (Appointed September 9th, 1974)	Member
A. J. L. CHAPMAN, Q.C. (Appointed September 30th, 1974)	Member
L. P. D. STAPLES (Appointed October 1st, 1974)	Member
M. CORBETT (Appointed November 1st, 1974)	Member
W. E. DYER, Q.C. (Appointed December 1st, 1974)	Member
.	
K. C. ANDREWS	Secretary
.	

PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. This Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

The Board requires notice of applications for approval of land use control by-laws passed under authority of The Planning Act to be given to owners especially affected and if the number is too great for individual notice, by publication. If objection is made a hearing is held.

In matters of law and jurisdiction there is an appeal from the Board to the Divisional Court and on practically all matters there is an appeal by way of a petition to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

In 1974 the Board conducted hearings on 2142 applications and appeals and a total of 6,995 orders of the Board were prepared and issued during the year.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision
- 4: Assessment Appeals
- 5: Miscellaneous Applications

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of ten annexations ordered by the Board during the year as well as two amalgamations, and one dissolution of a police village.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all regional municipalities and their component municipalities, all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The following table shows the number of new capital expenditure applications received in each of the last six years:

<u>Year</u>	<u>Number</u>
1969	2,456
1970	2,425
1971	2,523
1972	2,606
1973	3,397
1974	3,419

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

	<u>1974</u>	<u>1973</u>	<u>1972</u>	<u>1971</u>
1: Applications for approval of restricted area by-laws	2365	2255	1779	1607
2: Applications for approval of plans of redevelopment	3	3	2	11
3: Applications for approval of proposed plans of subdivision	13	5	2	8
4: Applications for approval of official plan amendments	92	121	48	38
5: Miscellaneous applications	67	8	58	87
6: Appeals from committees of adjust- ment and land division committees	1847	1490	1222	976
Total	<u>4387</u>	<u>3882</u>	<u>3111</u>	<u>2727</u>

SECTION 4

Assessment Appeals

There were 146 assessment appeals made to the Board during the year 1974.

SECTION 5

Miscellaneous Applications

During the year 1974, applications were made to the Board under the several statutes as follows:

The Conservation Authorities Act	58
The Local Improvement Act	1
The Municipal Act	81
The Municipal Affairs Act	1
The Municipal Elections Act	3
The Municipal Franchises Act	1
The Ontario Municipal Board Act	2
The Pits and Quarries Control Act	10
The Public Transportation and Highway Improvement Act	7
The Secondary Schools and Boards of Education Act	1
Special Legislation (municipalities)	29
Other	10
	<u>204</u>

PART VI

GENERAL

Two new members were appointed to the Board (January 1st and April 1st, 1974) to fill vacancies created by retirements. Complementary to the administrative and procedural changes reported in the 1973 report, authority was granted in 1974 to expand the complement of Board Members by ten in order to cope with the increasing number of applications and appeals coming before the Board. These increases are reported elsewhere in this report and it will be noted that the most rapid increase is in the appeals from Land Division Committees and Committees of Adjustment. In this area alone over eighteen hundred hearings per year are required.

Between August and the year end eight additional members were appointed under the expanded complement. Since the date of the last report the time required to bring applications on for hearing has been reduced by approximately two months. It is anticipated that the additional members will make a substantial contribution to further reducing the backlog of cases awaiting hearing in the year 1975 notwithstanding the marked increase in applications and appeals.

The Board recognized the difficulties that public authorities were experiencing with rapidly escalating costs for capital improvements during the year 1974. In consequence, an attempt was made to give special priority to all applications involving capital expenditures in the public sector.

PART VII

REVENUE

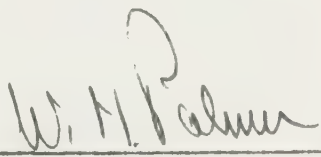
In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications, appeals and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1974, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report for the calendar year of 1974.

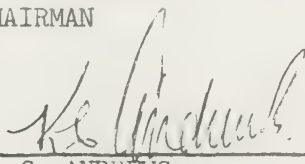
<u>Fiscal Year</u>	<u>Amount</u>
1968-69	\$ 563,956.95
1969-70	493,142.11
1970-71	515,709.01
1971-72	480,737.80
1972-73	519,367.77
1973-74	526,153.10

The revenues of the Board for the calendar year 1974 amounted to \$528,253.16.

All of which is respectfully submitted.



W. H. PALMER
CHAIRMAN



K. C. ANDREWS
SECRETARY

This is SCHEDULE "A" to the 69TH ANNUAL REPORT OF THE ONTARIO MUNICIPAL BOARD
for the year 1974, made to
THE HONOURABLE THE ATTORNEY GENERAL

<u>Annexations</u>	<u>Effective Date</u>
To : <u>BRANTFORD, City of</u> From: Brantford, Township of (parts)	Oct. 1, 1974
To : <u>CHATHAM, City of</u> From: Harwich, Township of (parts)	July 1, 1974
To : <u>DRESDEN, Town of</u> From: Camden, Township of (parts)	Jan. 1, 1975
To : <u>KENDREY, Township of</u> From: Smooth Rock Falls, Town of	Jan. 1, 1975
To : <u>PARIS, Town of</u> From: South Dumfries, Township of (parts)	July 1, 1974
To : <u>ALLISTON, Town of</u> From: Essa, Township of (part)	Jan. 1, 1975
To : <u>MURRAY, Township of</u> From: Seymour, Township of (parts)	Jan. 1, 1975
To : <u>SEYMOUR, Township of</u> From: Murray, Township of (parts)	Jan. 1, 1975
To : <u>HANOVER, Town of</u> From: Brant, Township of (part)	Jan. 1, 1975
To : <u>SIOUX LOOKOUT, Town of</u> From: Grand Trunk Pacific Block 10 Unorganized territory (part)	Jan. 1, 1975

<u>Amalgamations</u>	
Salter, May and Harrow, Township of Hallam, Township of (To be named Town of Spanish River)	Jan. 1, 1975
Moore, Township of Courtright, Village of	Jan. 1, 1975

<u>Dissolution</u>	
Williamstown, Police Village of	Dec. 31, 1974

S U M M A R Y

Annexations	-	10
Amalgamations	-	2
Dissolutions	-	1

UNIVERSITY OF TORONTO
LIBRARY

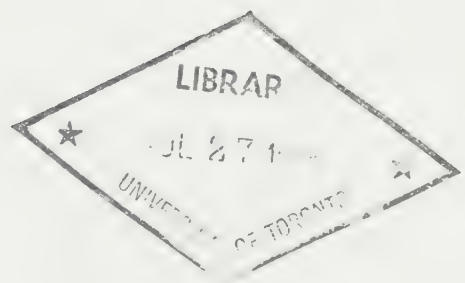
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70th Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1975





Ontario Municipal Board

123 Edward Street
Toronto

70TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1975

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323



Ontario Municipal Board

PART I

NATURE AND SCOPE OF THIS REPORT

This is the report of the Board for the calendar year 1974 made under Section 100 of The Ontario Municipal Board Act, R.S.O. 1970 as amended, which reads as follows:

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PART II

ESTABLISHMENT AND OPERATION

The Board is established and exists under authority of The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of the jurisdiction is created or vested by the statute itself, but many other duties are reposed in the Board by other statutes, notably The Municipal Act, The Planning Act, The Secondary Schools and Boards of Education Act, The Public Transportation and Highway Improvement Act, The Assessment Act and The Pits and Quarries Control Act.

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All Board Members and staff are engaged full-time. The Board's Chambers are located at 123 Edward Street, Toronto. Enquiry - Sixth Floor.

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D. JAMIESON (Appointed December 1st, 1955) (Retired August 5th, 1975)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
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H. H. LANCASTER (Appointed September 7th, 1970)	Member
P. M. BROOKS (Appointed November 1st, 1973)	Member
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H. E. STEWART (Appointed April 1st, 1974)	Member
C. G. EBERS, Q.C. (Appointed August 12th, 1974)	Member
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M. CORBETT (Appointed November 1st, 1974)	Member
W. E. DYER, Q.C. (Appointed December 1st, 1974)	Member
C. G. CHARRON, Q.C. (Appointed February 1st, 1975)	Member
J. WADDS (Appointed March 1st, 1975)	Member
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K. C. ANDREWS	Secretary
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PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. This Board is not a department of Government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

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In matters of law and jurisdiction there is an appeal from the Board to the Divisional Court and on practically all matters there is an appeal by way of a petition to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities
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- 4: Assessment Appeals
- 5: Miscellaneous Applications

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of fifteen annexations ordered by the Board during the year as well as two incorporations, two erections and three dissolutions of police villages.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all regional municipalities and their component municipalities, all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The following table shows the number of new capital expenditure applications received in each of the last six years:

<u>Year</u>	<u>Number</u>
1970	2,425
1971	2,523
1972	2,606
1973	3,397
1974	3,419
1975	3,218

SECTION 3

Approval of Restricted Area By-laws,
Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>
1: Applications for approval of restricted area by-laws	2438	2365	2255	1779
2: Applications for approval of plans of redevelopment	0	3	3	2
3: Applications for approval of proposed plans of subdivision	20	13	5	2
4: Applications for approval of official plan amendments	97	92	121	48
5: Appeals for the amendment of by-laws	98	67	8	58
6: Appeals from committees of adjust- ment and land division committees	1780	1847	1490	1222
Total	<u>4218</u>	<u>4387</u>	<u>3882</u>	<u>3111</u>

SECTION 4

Assessment Appeals

There were 98 assessment appeals made to the Board during the year 1975.

SECTION 5

Miscellaneous Applications

During the year 1975 applications were made to the Board under the several statutes as follows:

The Conservation Authorities Act	50
The Local Improvement Act	6
The Municipal Act	62
The Municipal Affairs Act	0
The Municipal Elections Act	1
The Municipal Franchises Act	5
The Ontario Municipal Board Act	5
The Pits and Quarries Control Act	11
The Public Transportation and Highway Improvement Act	1
The Secondary Schools and Boards of Education Act	5
Special Legislation (municipalities)	31
Other	<u>19</u>
	<u>196</u>

PART VI

GENERAL

Two new Members were appointed to the Board (February 1st and March 1st, 1975) to fill the complement established in 1974. These appointments are listed in the Membership and Organization Part on pages 3 and 4. One Member of the Board was seconded to the Niagara Escarpment Development Control office in the final quarter of the year to assist in hearing appeals to that office.

Following the direction to the Board set out in the Treasurer's Budget Address for 1975, the Board sought the co-operation of the municipalities in reducing non-essential capital expenditures. This co-operation resulted in a reduction of 200 capital expenditure applications from the total received in 1974 (see page 8).

In the year 1975 the Board received a total of 7945 applications and appeals. Hearings were conducted on 2941 matters and 7739 Orders were issued. The bulk of the difference between the number of applications and appeals received and the number of matters heard is represented by non-controversial matters which did not require a public hearing.

During the year the Chairman and certain Vice-Chairmen and Members delegated by the Chairman addressed and participated in a number of citizen and municipal discussion groups in order to clarify the Board's functions and procedures so that the public may be better informed.

PART VII

REVENUE

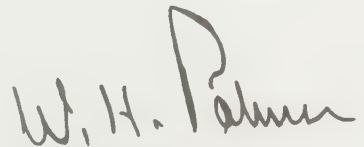
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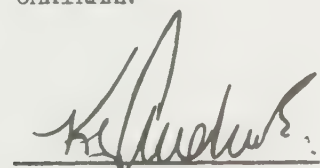
<u>Fiscal Year</u>	<u>Amount</u>
1969-70	\$ 493,142.11
1970-71	515,709.01
1971-72	480,737.80
1972-73	519,367.77
1973-74	526,153.10
1974-75	576,938.35

The revenues of the Board for the calendar year 1975 amounted to \$654,810.76.

All of which is respectfully submitted.



W. H. PALMER
CHAIRMAN



K. C. ANDREWS
SECRETARY

This is SCHEDULE "A" to the 70TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1975, made to

THE HONOURABLE THE ATTORNEY GENERAL

	<u>Annexations</u>	<u>Effective Date</u>
To :	<u>TECUMSEH, Town of</u>	July 1, 1975
From:	Sandwich South, Township of (part)	
To :	<u>BLENHEIM, Town of</u>	May 1, 1975
From:	Harwich, Township of (part)	
To :	<u>ETOBICOKE, Borough of</u>	May 1, 1975
From:	York, Borough of (part)	
To :	<u>YORK, Borough of</u>	May 1, 1975
From:	Etobicoke, Borough of (part)	
To :	<u>PICTON, Town of</u>	July 1, 1975
From:	Hallowell, Township of (part)	
To :	<u>PALMERSTON, Town of</u>	July 1, 1975
From:	Wallace, Township of (part)	
To :	<u>HAWKESBURY, Town of</u>	April 1, 1975
From:	West Hawkesbury, Township of (part)	
To :	<u>HANOVER, Town of</u>	Jan. 1, 1976
From:	Brant, Township of (part)	
To :	<u>PARIS, Town of</u>	Oct. 1, 1975
From:	South Dumfries, Township of (part)	
To :	<u>PETERBOROUGH, City of</u>	Sept. 1, 1975
From:	Otonabee, Township of (part)	
To :	<u>NICHOL, Township of</u>	Aug. 5, 1975
From:	Elora, Village of (part)	
To :	<u>PERTH, Town of</u>	July 1, 1974
From:	Drummond, Township of (part)	
To :	<u>CHESLEY, Town of</u>	Jan. 1, 1976
From:	Elderslie, Township of (part)	
To :	<u>EAST ZORRA-TAVISTOCK, Township of</u>	Jan. 1, 1976
From:	South Easthope, Township of (part)	
To :	<u>SARNIA, Township of</u>	Jan. 1, 1976
From:	Sarnia, City of (part)	

<u>Incorporations</u>	<u>Effective Date</u>
<u>EILBER AND DEVITT, Geographic Townships</u> into a Township to be known as <u>The Corporation of the Union of</u> <u>Townships Eilber and Devitt</u>	July 1, 1975
<u>KIMBERLEY, YARROW, CAIRO, DOON, MIDLOTHIAN</u> <u>AND POWELL, Geographic Townships</u> into an Improvement District to be known as <u>The Corporation of the</u> <u>Improvement District of Matachewan</u>	Jan. 1, 1976

<u>Erections</u>	
<u>BEARDMORE, Improvement District of</u> into a Township	Jan. 1, 1976
<u>ELLIOT LAKE, Township of</u> into a Town	Jan. 1, 1976

<u>Quieting Order</u>	
<u>SPRINGER, Township of</u> (with respect to boundaries)	May 17, 1954

<u>Dissolutions</u>	
CAMBRAY, Police Village of	Apr. 22, 1975
BRIGDEN, Police Village of	June 30, 1975
CARNARVON, Township of (specific areas)	Aug. 19, 1975

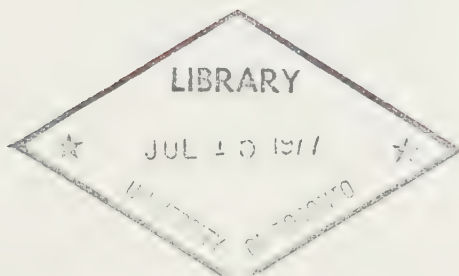
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71st Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1976





Ontario Municipal Board

180 Dundas Street West
Toronto

71ST ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1976

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323



Ontario Municipal Board

PART I

NATURE AND SCOPE OF THIS REPORT

This report is intended to deal "upon the affairs of the Board" pursuant to Section 100 of The Ontario Municipal Board Act. Since the Board is a statutory tribunal, the functions of the Board, whether judicial or administrative, are found in the statutes themselves. The decisions of the Board are independent and are governed by the statutes and when not in statutory conflict have regard to government policy. Since there are other publications available setting out the history of the Board and its jurisdiction, it would be redundant to repeat what might be found in a comprehensive review of the Board as described by Hon. J. C. McRuer in Volume 5 of the Royal Commission Inquiry into Civil Rights at page 2013.

As the Board must be ever mindful of the need for improvement, it would be remiss not to comment on features which in our opinion might help improve the day to day workings of the Board.

In order to lend emphasis to the need for change, it is necessary to consider the statistical data of this report. While in the year 1975 the Board received a total of 7945 applications and appeals, the year 1976 produced a total of 9143. It is significant that while in 1975, hearings were conducted in respect of 2941 matters and 7739 orders were issued, the year 1976 produced 2325 hearings and 7831 issued orders.

This decrease in hearings is reflected in the present state of the calendar indicating that at the end of December, 1976, appointments for hearings had been scheduled to the month of June, 1977, with available time already substantially filled to that month. As of December 31, 1976, some 643 processed applications were awaiting hearing dates. The net result is that Members are scheduled for hearings on a continuous basis and depend on cancellations, adjournments and shortened hearings to consider and write decisions and, in fact, to obtain any respite. In addition, Members are required to consider approval of numerous applications not requiring hearings and are also assigned to various committees related to Board functions. Presently, the Board is engaged in a revision of its rules.

In the past few years, and largely because of increased public interest and participation, it is not unusual for Board Members to devote increasing time to hearings, e.g., 3 Members now engaged in the City of Toronto core by-law, likely to take 6 months or more; 2 Members who will shortly be engaged in the Ottawa-Carleton official plan amendments scheduled for a period of 12 weeks; numerous other matters scheduled for lengthy periods.

This report will disclose that the Board complement of Members is 26. Three of these Members have been involved in the Parkway Belt hearings for most of 1976 and will not be available for Board hearings until about April, 1977. One Member has, since his appointment in April, 1976, been engaged as Chairman of the Reform of Property Taxation Commission. One Member who had been seconded to the Niagara Escarpment Development Control hearings for a large part of the year prior to her resignation on October 1, 1976, has still not been replaced at the time of the writing of this report.

It has become apparent to the Board that a serious problem area lies in appeals to the Board relating to decisions of Committees of Adjustment and Land Division. A perusal of this report will disclose that the volume of appeals respecting these matters has increased from 1780 in 1975 to 2205 in 1976. It is unfortunate that a great many of these appeals are withdrawn or abandoned after they have been almost processed. A great many of them are frivolous or ill-considered. It is the opinion of the Board that the token appeal fee of \$25.00 (as against a Committee of Adjustment or Land Division application fee of \$50.00) is in large measure responsible for this state of affairs. It is recommended that this fee should be increased substantially with the right to the Board to remit a part of the fee in proper circumstances. This, it is felt, would discourage appeals which have no merit and free Members for other important Board work.

As a consequence of the increase in the volume of work and the need to schedule hearings as quickly as possible, it was necessary, to an unprecedented degree, to authorize one-Member hearings under Section 15 of The Ontario Municipal Board Act. It was also necessary to reduce Member participation in citizen and municipal discussion groups for the purpose of clarification of Board functions and procedures.

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PART II

MEMBERSHIP AND ORGANIZATION

The offices of the Board have been relocated at 180 Dundas Street West, Toronto. The move from 123 Edward Street was necessitated because of the need to better accommodate Members and staff and to more effectively serve the public.

The total general staff complement comprises 67 persons.

Board Members are engaged full-time, and the following is a list of Members and recently retired Members:

W. SHUB, Q.C. (Appointed June 1st, 1963) (Appointed Chairman July 1st, 1976)	Chairman
W. H. PALMER (Appointed November 1st, 1972) (Retired June 30th, 1976)	Chairman
R. M. McGUIRE (Appointed November 1st, 1963)	Vice-Chairman (Administration)
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
F. G. BLAKE (Appointed November 15th, 1962)	Vice-Chairman
A. L. McCRAE (Appointed December 1st, 1958)	Vice-Chairman
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
S. S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member

P. M. BROOKS (Appointed November 1st, 1973)	Member
A. B. BALL (Appointed January 1st, 1974)	Member
H. E. STEWART (Appointed April 1st, 1974)	Member
C. G. EBERS, Q.C. (Appointed August 12th, 1974)	Member
H. W. KELLY, Q.C. (Appointed September 3rd, 1974)	Member
J. A. WHEELER (Appointed September 3rd, 1974)	Member
E. A. SEABORN (Appointed September 9th, 1974)	Member
A. J. L. CHAPMAN, Q.C. (Appointed September 30th, 1974)	Member
L. P. D. STAPLES (Appointed October 1st, 1974) (Resigned October 1st, 1976)	Member
M. CORBETT (Appointed November 1st, 1974)	Member
W. E. DYER, Q.C. (Appointed December 1st, 1974)	Member
C. G. CHARRON, Q.C. (Appointed February 1st, 1975)	Member
J. WADDS (Appointed March 1st, 1975)	Member
K. D. BINDHARDT (Appointed January 2nd, 1976)	Member
W. L. BLAIR (Appointed April 15th, 1976)	Member
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K. C. ANDREWS	Secretary
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PART III

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

Although the Board functions are contained in 30 or more statutes, this report deals only with those matters commonly coming before it.

The following headings are considered:

1: Constitution, Boundary Revisions and Dissolution of Municipalities

The following municipalities were involved for the year 1976:

<u>Annexations</u>	<u>Effective Date</u>
To : <u>CHESLEY, Town of</u> From: Elderslie, Township of (part)	Jan. 1, 1976
To : <u>EAST ZORRA-TAVISTOCK, Township of</u> From: South Easthope, Township of (part)	Jan. 1, 1976
To : <u>SARNIA, Township of</u> From: Sarnia, City of (part)	Jan. 1, 1976
To : <u>SHELBURNE, Village of</u> From: Melancthon, Township of (part)	April 1, 1976
To : <u>AYLMER, Town of</u> From: Malahide, Township of (part)	April 1, 1976
To : <u>WALLACEBURG, Town of</u> From: Chatham, Township of (part)	April 1, 1976
To : <u>COCHRANE, Town of</u> From: Glackmeyer, Township of (part)	Sept. 15, 1976
To : <u>DRAYTON, Village of</u> From: Peel, Township of (part)	Oct. 1, 1976
To : <u>MARMORA, Village of</u> From: Marmora, Township of (part)	Sept. 1, 1976
To : <u>BURK'S FALLS, Village of</u> From: Armour, Township of (part)	Jan. 1, 1976
To : <u>CARLETON PLACE, Town of</u> From: Beckwith, Township of (part)	Oct. 1, 1976
To : <u>BRUSSELS, Village of</u> From: Grey, Township of (part)	Dec. 31, 1976
To : <u>PORT ELGIN, Town of</u> From: Saugeen, Township of (part)	Jan. 1, 1977

<u>Incorporations</u>	<u>Effective Date</u>
<u>Geographic Township of McCrea and the west half of the Township of Idington into an Improvement District to be known as The Corporation of the Improvement District of Opatika</u>	April 1, 1976
<u>An area in the District of Kenora within the boundaries of the Connell and Ponsford District School Area into an Improvement District to be known as The Corporation of the Improvement District of Pickle Lake</u>	July 1, 1976

<u>Erections</u>	
<u>SHELBURNE, Village of into a Town</u>	Dec. 31, 1976
<u>TEMAGAMI, Improvement District of into a Township</u>	Jan. 1, 1977
<u>BARCLAY, Improvement District of into a Township</u>	Jan. 1, 1977

<u>Dissolution</u>	
<u>BEWDLEY, Police Village of in the Township of Hamilton</u>	Nov. 10, 1976

<u>Quieting Order</u>	
<u>SHELBURNE, Village of (with respect to boundaries)</u>	

<u>Division into Wards</u>	
THUNDER BAY, City of	March 31, 1976

<u>Redefinition of Ward Boundaries</u>	
AJAX, Town of	June 7, 1976

2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

The following table shows the number of new capital expenditure applications received in each of the last six years:

<u>Year</u>	<u>Number</u>
1971	2,523
1972	2,606
1973	3,397
1974	3,419
1975	3,218
1976	3,056

3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The following table shows the totals and types for the last five years:

	<u>1976</u>	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>
1. Applications for approval of restricted area by-laws	3202	2438	2365	2255	1779
2. Applications for approval of plans of redevelopment	0	0	3	3	2
3. Applications for approval of proposed plans of subdivision	47	20	13	5	2
4. Applications for approval of official plan amendments	157	97	92	121	48
5. Appeals for the amendment of by-laws	120	98	67	8	58
6. Appeals from committees of adjustment and land division committees	2205	1780	1847	1490	1222
Total	<u>5731</u>	<u>4218</u>	<u>4387</u>	<u>3882</u>	<u>3111</u>

4: Assessment Appeals

There were 163 assessment appeals made to the Board during the year 1976 as against 98 in the year 1975.

5: Miscellaneous Applications

The following applications were made under the statutes specified hereunder:

The Conservation Authorities Act	29
The Local Improvement Act	6
The Municipal Act	87

The Municipal Affairs Act	2
The Municipal Elections Act	0
The Municipal Franchises Act	0
The Ontario Municipal Board Act	9
The Pits and Quarries Control Act	8
The Public Transportation and Highway Improvement Act	8
The Secondary Schools and Boards of Education Act	4
Special Legislation (municipalities)	30
Other	<u>10</u>
	<u>193</u>

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SUMMARY OF APPLICATIONS AND APPEALS

The following is a summary of applications and appeals for
the years 1973 to 1976:

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>Increase</u> <u>1975-76</u>	<u>Increase</u> <u>1973-76</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2392	2540	2653	3526	+ 32.9%	+ 47.4%
Committee of Adjustment and Land Division Appeals	1490	1847	1780	2205	+ 23.8%	+ 47.9%
Capital Expenditure Applications	3397	3419	3218	3056	- 5.0%	- 10.0%
Assessment Appeals and Miscellaneous	<u>290</u>	<u>350</u>	<u>294</u>	<u>356</u>	<u>+ 21.0%</u>	<u>+ 22.7%</u>
	<u>7569</u>	<u>8156</u>	<u>7945</u>	<u>9143</u>	<u>+ 15.1%</u>	<u>+ 20.8%</u>

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PART IV

REVENUE

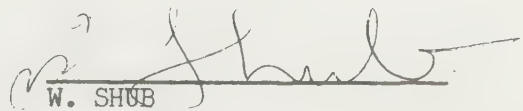
In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications, appeals and orders.

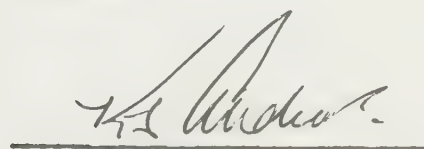
The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1976, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1976.

<u>Fiscal Year</u>	<u>Amount</u>
1970-71	\$ 515,709.01
1971-72	480,737.80
1972-73	519,367.77
1973-74	526,153.10
1974-75	576,938.35
1975-76	647,305.08

The revenues of the Board for the calendar year 1976 amounted to \$549,138.65.

All of which is respectfully submitted.


W. SHUB
CHAIRMAN


K. C. ANDREWS
SECRETARY

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2nd Annual Report of The Ontario Municipal Board

for year ended
December 31st
1977



Ontario Municipal Board

180 Dundas Street West
Toronto

72ND ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1977

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323





Ontario Municipal Board

PART I

NATURE AND SCOPE OF REPORT

This 72nd Annual Report is intended to deal "upon the affairs of the Board" pursuant to Section 100 of The Ontario Municipal Board Act.

The jurisdiction and function of the Board as a statutory tribunal is generally limited to dealing with applications or appeals made to the Board under the provisions of various statutes. The decisions of the Board are independent, governed by the statutes and when not in statutory conflict, have regard to government policy.

Decisions of the Board are available from the "Ontario Municipal Board Reports" published by Canada Law Book Limited under arrangements made with the Board and Ministry. Copies of decisions are also distributed to appropriate Government agencies, various university and law libraries, etc., for reference purposes, or from the office of the Board.

The schedules following in this Report will show that 8586 applications and appeals were received by the Board during the calendar year of 1977. Such figures indicate a slight reduction from 1976 in the number of applications received for approval of capital expenditures from municipalities and some reduction in the

number of appeals from decisions of Committees of Adjustment and Land Division Committees. It may be noted, however, the Board again received a substantial increase in applications under The Planning Act for approval of restricted area by-laws and in referrals to the Board of official plan amendments.

During 1977 the Board conducted 1996 hearings in all areas of the Province dealing with 2592 individual matters. All applications to the Board do not require hearings but are subject to review and consideration before decision. The Board's records indicate that 8265 applications were dealt with in 1977, involving the preparation and issue of 7843 Board Orders.

The Board was confronted in 1977 with numerous lengthy hearings, outstanding of which were the City of Toronto Central Core Area Plan, the City of Barrie annexation, and the Official Plan for the Regional Municipality of Ottawa-Carleton. Due to the length and number of matters before the Board, the Members are in attendance at hearings on a continual basis throughout the year, involving constant travel to all areas of the Province. Despite all efforts, the increasing number of important matters received by the Board inevitably results in delays in the scheduling of hearings at an early date.

In an effort to eliminate the expense and necessity of hearings where three or fewer persons object to an application for approval of a by-law and then subsequently fail to attend a hearing, the Board initiated in 1977 a procedure whereby a notice is sent by registered mail to the objectors, requiring confirmation by notice to the Board if they are prepared to attend the hearing to present evidence in support of objection. This practice has resulted in

eliminating the necessity of many hearings and several municipalities have expressed their satisfaction with the procedure.

There are still far too many hearings which the Board is forced to schedule based on frivolous objections. Legislation could cure many of these problems in the area of appeals from Committees of Adjustment and Land Division Committees by establishing need to obtain leave to appeal by affidavit filed with the Board. The Board would then carefully sift through the grounds and either dismiss because a hearing in our opinion would certainly lead to a dismissal or proceed to a hearing. This would save both the applicant and the Board time, trouble and expense, resulting in an early final decision by the Board. It would further free Board Members to deal with meritorious applications more promptly. In addition, the machinery of this Board would function with greater effectiveness if subsections 24 to 28 of Section 35 of The Planning Act were implemented by regulations made by the Lieutenant Governor in Council pursuant to Section 35(24). In order to obtain the desired result, legislation to this end would be needed. The consequence of this would be to enable a municipality to make a by-law effective where no objection has been filed with the clerk.

Also in 1977, the Board completed revision and amendment of the Board's Rules of Procedure in respect of applications for approval of by-laws under The Planning Act. The Revised Rules of Procedure were made effective September 1, 1977, and distributed to all municipalities.

The Board has continued to endeavour to participate in citizen and municipal discussion groups when invited to do so for the purpose of clarification of Board functions and procedures. A Member of the Board and a senior staff representative attended several meetings held in 1977 by the Clerks and Treasurers' Association and the Secretary-Treasurers of Committees of Adjustment and Land Division Committees.

PART II

MEMBERSHIP and ORGANIZATION

The offices of the Board are located at 180 Dundas Street West, Toronto (Inquiries - 8th Floor).

The Board has a total complement of 26 Members and a staff of 67.

All Members of the Board are appointed on a full-time basis and the following is a list of the Members during 1977:

		<u>Date of Appointment</u>
W. SHUB, Q.C.	Chairman	June 1st, 1963 Chairman - July 1, 1976
R. M. McGUIRE	Vice-Chairman (Administration)	November 1st, 1963 Resigned - June 30, 1977
A. H. ARRELL, Q.C.	Vice-Chairman	June 30th, 1961
F. G. BLAKE	Vice-Chairman	November 15th, 1962 Retired - December 31, 1977
A. L. McCRAE	Vice-Chairman	December 1st, 1958
W. T. SHRIVES	Vice-Chairman	October 18th, 1965
W. H. J. THOMPSON, Q.C.	Vice-Chairman	July 1st, 1966
B. E. SMITH	Vice-Chairman	August 1st, 1968
D. S. COLBOURNE	Vice-Chairman	September 3rd, 1968
D. D. DIPLOCK, Q.C.	Vice-Chairman	July 1st, 1977
S. S. SPEIGEL	Member	May 4th, 1970
H. H. LANCASTER	Member	September 7th, 1970
P. M. BROOKS	Member	November 1st, 1973
A. B. BALL	Member	January 1st, 1974
H. E. STEWART	Member	April 1st, 1974
C. G. EBERS, Q.C.	Member	August 12th, 1974
H. W. KELLY, Q.C.	Member	September 3rd, 1974
J. A. WHEELER	Member	September 3rd, 1974

		<u>Date of Appointment</u>
E. A. SEABORN	Member	September 9th, 1974
A. J. L. CHAPMAN, Q.C.	Member	September 30th, 1974
M. CORBETT	Member	November 1st, 1974 Resigned - September 30, 1977
W. E. DYER, Q.C.	Member	December 1st, 1974
C. G. CHARRON, Q.C.	Member	February 1st, 1975
J. WADDS	Member	March 1st, 1975
K. D. BINDHARDT	Member	January 2nd, 1976
W. L. BLAIR	Member	April 15th, 1976

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K. C. ANDREWS	Secretary
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PART III

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

1: 1977 Changes in Status and Boundaries of Ontario Municipalities

<u>Annexations</u>		<u>Effective Date</u>
To : <u>TRENTON, Town of</u>		Jan. 1, 1977
From: <u>Sidney, Township of (part)</u>		
To : <u>BLLENHEIM, Town of</u>		Apr. 1, 1977
From: <u>Harwich, Township of (part)</u>		
To : <u>ERIN, Village of</u>		Apr. 1, 1977
From: <u>Erin, Township of (part)</u>		
To : <u>OPASATIKA, Improvement District of</u>		Apr. 1, 1977
From: <u>Idington, Geographic Township of</u> <u>(part) in the District of Cochrane</u>		
To : <u>FERGUS, Town of</u>		June 1, 1977
From: <u>West Garafraxa, Township of (part)</u>		
To : <u>KINGSVILLE, Town of</u>		June 1, 1977
From: <u>Gosfield South, Township of (part)</u>		
To : <u>CARLETON PLACE, Town of</u>		July 1, 1977
From: <u>Ramsay, Township of (part)</u>		
To : <u>LONDON, City of</u>		July 1, 1977
From: <u>Westminster, Township of (part)</u>		
To : <u>MIDLAND, Town of</u>		July 1, 1977
From: <u>Tay, Township of (part)</u>		
To : <u>MADOC, Village of</u>		Aug. 1, 1977
From: <u>Madoc, Township of (part)</u>		
To : <u>EAST ZORRA-TAVISTOCK, Township of</u>		Sept. 1, 1977
From: <u>South Easthope, Township of (part)</u>		
To : <u>NAKINA, Improvement District of</u>		Jan. 1, 1978
From: <u>Exton, Geographic Township of (part)</u> <u>in the District of Thunder Bay</u>		
To : <u>COCHRANE, Town of</u>		Jan. 1, 1978
From: <u>Glackmeyer, Township of (part) and</u> <u>Lamarche, Unorganized Township of</u> <u>(part) in the District of Cochrane</u>		
To : <u>PETROLIA, Town of</u>		Jan. 1, 1978
From: <u>Enniskillen, Township of (part)</u>		
To : <u>SMITHS FALLS, Separated Town of</u>		Jan. 1, 1978
From: <u>Montague, Township of (part)</u>		
To : <u>FERGUS, Town of</u>		Jan. 1, 1978
From: <u>Nichol, Township of (part)</u>		

<u>Incorporation</u>	<u>Effective Date</u>
<u>The inhabitants of the locality of Dubreuilville in the Territorial District of Algoma</u> into an Improvement District to be known as <u>The Improvement District of Dubreuilville</u>	Oct. 1, 1977

<u>Division and Redivision into Wards</u>	
<u>VALLEY EAST, Town of</u>	Jan. 1, 1978
<u>BRAMPTON, City of</u>	Jan. 1, 1978

<u>Quieting Order</u>
<u>BELLEVILLE, City of</u> with respect to the southerly boundary of the City of Belleville as the boundary between the Counties of Hastings and Prince Edward

<u>Dissolutions</u>	
<u>SOUTH MOUNTAIN, Police Village of in the Township of Mountain</u>	June 30, 1977
<u>MOREWOOD, Police Village of in the Township of Winchester</u>	June 30, 1977

2: Approval of Capital Undertakings and of the Imposition of Rates
and Levies to Recover the Cost Thereof

The following table shows the number of applications for capital expenditures received by the Board in 1977 and the previous four years:

<u>Year</u>	<u>Applications</u>
1973	3,397
1974	3,419
1975	3,218
1976	3,056
1977	2,608

3: Applications and Appeals to Board under The Planning Act

The following table shows the number and types received for 1977 and the previous four years:

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
1: Applications for approval of restricted area by-laws	2255	2365	2438	3202	3417
2: Applications for approval of plans of redevelopment	3	3	0	0	1
3: Applications for approval of proposed plans of subdivision and condominium	5	13	20	47	62
4: Applications for approval of official plan amendments	121	92	97	157	229
5: Appeals for amendment of restricted area by-laws	8	67	98	120	109
6: Appeals from Committees of Adjustment and Land Division Committees	1490	1847	1780	2205	1793
	<u>3882</u>	<u>4387</u>	<u>4433</u>	<u>5731</u>	<u>5611</u>

4: Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1977 under the various statutes specified:

The Assessment Act	187
The Conservation Authorities Act	33
The Local Improvement Act	3
The Municipal Act	83
The Municipal Elections Act	1
The Ontario Municipal Board Act	2
The Pits and Quarries Control Act	9
The Public Transportation and Highway Improvement Act	5

The Education Act	4
Special Legislation (Municipalities)	21
Other	<u>19</u>
Total	<u>367</u>

5: Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1973 to 1977:

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2392	2540	2653	3526	3818
Committee of Adjustment and Land Division Appeals	1490	1847	1780	2205	1793
Capital Expenditure Applications	3397	3419	3218	3056	2608
Assessment Appeals and Miscellaneous	290	350	294	356	367
	<u>7569</u>	<u>8156</u>	<u>7945</u>	<u>9143</u>	<u>8586</u>

6: Summary of Applications and Appeals Completed and Files Closed in 1977 and Preceding Two Years

	<u>1975</u>	<u>1976</u>	<u>1977</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2404	2659	3512
Committee of Adjustment and Land Division Appeals	1886	1834	1783
Capital Expenditure Applications	3561	3073	2636
Assessment Appeals and Miscellaneous	323	265	334
	<u>8174</u>	<u>7831</u>	<u>8265</u>

PART IV

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications, appeals and orders.
(O. Reg. 27/73)

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1977, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1977.

<u>Fiscal Year</u>	<u>Amount</u>
1971-72	\$ 480,737.80
1972-73	519,367.77
1973-74	526,153.10
1974-75	576,938.35
1975-76	647,305.08
1976-77	514,568.17

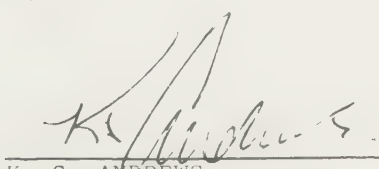
The revenues of the Board for the calendar year 1977 amounted to \$503,805.69.

The reduction in fees collected is attributable to a substantial reduction in the amounts to be debentured respecting applications received from municipalities and on which basis the payment is determined.

All of which is respectfully submitted.



W. SHUB
CHAIRMAN



K. C. ANDREWS
SECRETARY

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Government
Publications



73rd Annual Report of The Ontario Municipal Board

for year ended
December 31st
1978





Ontario Municipal Board

180 Dundas Street West
Toronto

73RD ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1973

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323

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Ontario Municipal Board

PART I

NATURE AND SCOPE OF REPORT

This is the report of the Board for the calendar year 1978 as required by Section 100 of The Ontario Municipal Board Act, R.S.O. 1970, as amended, which reads as follows:

"The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session."

The Board interprets "the affairs of the Board" as not only the statutory functions spelled out in numerous statutes, but also a responsibility to recommend legislative changes arising from problems which we encounter in the performance of our duties. The Board attempts to interpret the needs of communities in relation to the aspiration of people, always consistent with what we understand to be Government policy yet not inconsistent with our statutory responsibilities. When the Board is of the opinion that some improvement might elevate these standards, we have made recommendations to responsible Government agencies. Recognizing that some municipalities might require assistance, the Board has continued its practice of participating in discussion groups throughout the Province. This has involved attendance by Board Members and staff at a number of such meetings. Hopefully,

the results have been of benefit to municipalities, in better understanding the functions and mechanics of our Board. In addition, where major legislative changes are contemplated the Board, on the initiative of the Attorney General, has met with representatives of various ministries and made recommendations, particularly in relation to the Planning Act and the Environmental Assessment Act.

PART II

MEMBERSHIP and ORGANIZATION

The offices of the Board are located at 180 Dundas Street West, Toronto (Inquiries - 8th Floor).

The Board has a total complement of 28 Members and a staff of 65.

All Members of the Board are appointed on a full-time basis* and the following is a list of the Members during 1978:

		<u>Date of Appointment</u>
W. SHUB, Q.C.	Chairman	June 1st, 1963 Chairman - July 1, 1976
A. H. ARRELL, Q.C.	Vice-Chairman	June 30, 1961
A. L. McCRAE	Vice-Chairman	December 1st, 1958
W. T. SHRIVES	Vice-Chairman	October 18th, 1965
W. H. J. THOMPSON, Q.C.	Vice-Chairman	July 1st, 1966
B. E. SMITH	Vice-Chairman	August 1st, 1968
D. S. COLBOURNE	Vice-Chairman	September 3rd, 1968
D. D. DIPLOCK, Q.C.	Vice-Chairman	July 1st, 1977
S. S. SPEIGEL	Member	May 4th, 1970
H. H. LANCASTER	Member	September 7th, 1970
P. M. BROOKS	Member	November 1st, 1973
A. B. BALL	Member	January 1st, 1974
H. E. STEWART	Member	April 1st, 1974
C. G. EBERS, Q.C.	Member	August 12th, 1974
H. W. KELLY, Q.C.	Member	September 3rd, 1974
J. A. WHEELER	Member	September 3rd, 1974
E. A. SEABORN	Member	September 9th, 1974

A. J. L. CHAPMAN, Q.C.	Member	September 30th, 1974
W. E. DYER, Q.C.	Member	December 1st, 1974
C. G. CHARRON, Q.C.	Member	February 1st, 1975
J. WADDS	Member	March 1st, 1975
K. D. BINDHARDT	Member	January 2nd, 1976
W. L. BLAIR	Member	April 15th, 1976
D. H. McROBB	Member	January 3rd, 1978
P. G. WILKES	Member	January 16th, 1978
J. E. HENDY	Member	January 30th, 1978
V. M. SINGER, Q.C.	Member	September 1st, 1978
M. D. HENDERSON	Member	September 1st, 1978
* F. G. BLAKE	Member (former) (Vice-Chairman)	Part-time Member - Appointed for 6-month period from August 16th, 1978
.		
K. C. ANDREWS	Secretary	
.		

PART III

ESTABLISHMENT and OPERATION

At the risk of repeating a part of the contents of other annual reports, a brief history of this Board might be warranted.

The Board was created in 1932 under The Ontario Municipal Board Act which repealed but incorporated many of the provisions of The Railway and Municipal Board Act (passed in 1906), The Municipal Schools Accounts Audit Act and The Bureau of Municipal Affairs Act. The establishment of the Board and its authority is now derived from The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of its jurisdiction and authority flows from The Municipal Act, The Planning Act, The Highway Improvement Act, The Assessment Act as well as numerous other statutes.

The Board acts as an independent administrative tribunal and is not an agency or commission. Its function and duties are prescribed by these Acts. When the Board holds a hearing, it is, of course, governed by any applicable statute; but it is also subject to the rules of natural justice. The administration of justice could be said to be divided between the judicial arm of government (the Courts) and the executive arm, of which latter this Board is a branch. The Courts operate under strict rules and interpret and follow statutes and precedent. Administrative Boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion. In matters of law and jurisdiction there is an appeal from the Board to the Courts. In the

majority of matters, there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes and protection of private interests as much as possible.

The Chairman has the responsibility of assigning specific Members to hearings. After the hearing has commenced, Members are deemed seized of such application. The responsibility of arriving at a decision is theirs and theirs alone. While two Members constitute a quorum to hear and dispose of any application, the Chairman is empowered to appoint one Member to hear and decide an application.

PART IV

GENERAL

The increasing number of matters brought to the Board each year has necessitated constant change in administrative procedures to cope with the extra workload. The Board's rules of procedure with respect to applications for approval of by-laws under The Planning Act were again revised in 1978, effective January 1, 1979. Similarly, the Board's procedures for applications for capital expenditure approvals were revised during the year, with revision and improvement to forms provided for use by municipalities in furnishing information for the establishment of quotas or permissible debt limits.

In 1978 the number of applications made to the Board under The Planning Act increased considerably, resulting in a greater number of matters to be dealt with by way of hearings.

Again in 1978 the Board was confronted with numerous lengthy hearings, outstanding of which were the City of Toronto central core area plan, the official plan for the Region of Ottawa-Carleton, the official plan for the Town of Oakville and the official plan for the Region of Niagara. There is today a greater spirit of confrontation with interested and concerned groups than ever before. Members are in attendance at hearings on a continual basis throughout the year. This involves constant travel throughout the Province. Despite all efforts, increasing applications and lengthy hearings inevitably result in delays in the scheduling of hearings at an early date. In order to alleviate these problems, the Board complement of Members was

increased by two and a former Vice-Chairman was appointed as a part-time Member.

The enactment of the amendment to The Planning Act by Bill 183 in December, 1978, provides for the implementation of regulations by the Lieutenant Governor in Council pursuant to Section 35(24) of The Planning Act. This will enable a municipality to make a by-law effective where no objections have been filed with the clerk, without the necessity of obtaining Board approval. This is expected to result in a substantial reduction in the number of by-laws presently dealt with by the Board as part of its administrative duties. However, it would not reduce the number of matters requiring hearings by the Board.

The Board received 1,833 appeals from decisions of Committees of Adjustment and Land Division Committees. A considerable amount of the Board's hearing time is required in connection with appeals of this type, which in many instances are found to lack sufficient grounds and are often frivolous. Legislation to reduce this type of appeal to the Board would enable Board Members to deal with meritorious applications more promptly.

During the calendar year 1978, the Board conducted 2351 hearings throughout the Province dealing with 2,959 applications and appeals. Additionally, those applications not requiring hearings are still subject to review and consideration.

The Board's records indicate that final disposition has been made in 1978 of 9334 individual applications and appeals which included the preparation and issue of 8423 Board orders.

Decisions of the Board, of leading cases, may be found in the "Ontario Municipal Board Reports" published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of decisions are also distributed by the Board to appropriate Government agencies and to various universities and law libraries for reference purposes. Copies of individual decisions may also be obtained on request from the offices of the Board.

PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

1: 1978 Changes in Status and Boundaries of Ontario Municipalities

	<u>Annexations</u>	<u>Effective Date</u>
To : <u>CHATHAM, City of</u>		Jan. 1, 1978
From: <u>Harwich, Township of (part)</u>		
To : <u>ELORA, Village of</u>		Jan. 1, 1979
From: <u>Nichol, Township of (part)</u>		
To : <u>SHALLOW LAKE, Village of</u>		Jan. 1, 1979
<u>Keppel, Township of (part)</u>		
To : <u>TILBURY, Town of</u>		Jan. 1, 1979
From: <u>Tilbury East, Township of (part)</u>		
<u>Tilbury North, Township of (part)</u>		
To : <u>CHATHAM, City of</u>		Jan. 1, 1979
From: <u>Harwich, Township of (part)</u>		

	<u>Ward Boundaries</u>	
BRANTFORD, City of	redivision of boundaries of 5 wards	Feb. 9, 1978
BURLINGTON, City of	redivision of boundaries of 8 wards	Jul. 1, 1978
KITCHENER, City of	division into 10 wards	Feb. 7, 1978
MISSISSAUGA, City of	redivision of boundaries of 9 wards	Jan. 26, 1978
PARIS, Town of	redivision of boundaries of 4 wards	Mar. 7, 1978
WINDSOR, City of	redivision of boundaries from 8 to 5 wards	Mar. 1, 1978
MILTON, Town of	redivision of boundaries of 3 wards	Mar. 31, 1978
SAULT STE. MARIE, City of	redivision of boundaries of 6 wards	Apr. 21, 1978
ZORRA, Township of	redivision of boundaries of 7 wards	June 30, 1978
PELHAM, Town of	redivision of boundaries of 3 wards	Aug. 21, 1978
MARKHAM, Town of	alteration of boundary lines between Ward One and Ward Two	Sept. 30, 1978

<u>Dissolution</u>	<u>Effective Date</u>
<u>CRYSLER, Police Village of</u> in the Township of Finch, in the United Counties of Stormont, Dundas and Glengarry	Mar. 31, 1978

<u>Erections</u>	
<u>NAKINA, Improvement District of</u> into a Township	Dec. 1, 1978
<u>NORTH SHORE, Improvement District of</u> into a Township	Dec. 1, 1978

<u>Quieting Order</u>	
Alteration of the boundaries of the <u>Police Village of CREDITON, in the</u> Township of Stephen, in the County of Huron	Jan. 1, 1978

2: Approval of Capital Undertakings and the Imposition of
Rates and Levies to Recover the Cost thereof

The following table shows the number of applications for capital expenditures received by the Board in 1978 and the previous four years:

<u>Year</u>	<u>Applications</u>
1974	3,419
1975	3,218
1976	3,056
1977	2,608
1978	2,536

3: Applications and Appeals to the Board under The Planning Act

The following table shows the number and types received in 1978 and the previous four years:

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
1: Applications for approval of restricted area by-laws	2365	2438	3202	3417	3569
2: Applications for approval of plans of redevelopment	3	0	0	1	24
3: Applications for approval of proposed plans of subdivision and condominium	13	20	47	62	34
4: Applications for approval of official plan amendments	92	97	157	229	213
5: Appeals for amendment of restricted area by-laws	67	98	120	109	112
6: Appeals from Committees of Adjustment and Land Division Committees	1847	1780	2205	1793	1833
	<u>4387</u>	<u>4433</u>	<u>5731</u>	<u>5611</u>	<u>5785</u>

4: Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1978 under the various statutes specified:

The Assessment Act	184
The Conservation Authorities Act	32
The Local Improvement Act	8
The Municipal Act	78
The Municipal Elections Act	1
The Ontario Municipal Board Act	2
The Pits and Quarries Control Act	9
The Public Transportation and Highway Improvement Act	7
The Education Act	1
Special Legislation (Municipalities)	22
Other	<u>15</u>
	<u>359</u>

5: Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1974 to 1978:

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2540	2635	3526	3818	3952
Committee of Adjustment and Land Division Appeals	1847	1780	2205	1793	1833
Capital Expenditure Applications	3419	3218	3056	2608	2536
Assessment Appeals and Miscellaneous	350	294	356	367	359
	<u>8156</u>	<u>7945</u>	<u>9143</u>	<u>8586</u>	<u>8680</u>

6: Summary of Applications and Appeals Completed and Files Closed in 1978 and Preceding Three Years

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2404	2659	3512	4369
Committee of Adjustment and Land Division Appeals	1886	1834	1783	1943
Capital Expenditure Applications	3561	3073	2636	2656
Assessment Appeals and Miscellaneous	323	265	334	366
	<u>8174</u>	<u>7831</u>	<u>8265</u>	<u>9334</u>

7: Cabinet Decisions on Petitions during 1977 and 1978 - A Comparison

In the year 1977, 66 Petitions were filed. The breakdown was as follows:

<u>Carried over from/76</u>	<u>Petitions filed in 1977</u>	<u>Confirmed</u>	<u>Rescinded</u>	<u>New Public Hearing</u>	<u>Abandoned (Withdrawn)</u>	<u>Total Decisions</u>
19	66	43	8	5	7	-

In the year 1978, 143 new Petitions were filed. The breakdown was as follows:

Carried over from 1977	- 22
Petitions filed in 1978	- 143*
Confirmed	- 47
Rescinded	- 6
New Public Hearings	- 3
Varied	- 5
Abandoned, etc.	- 8
Ruled out of time, etc.	- 4
Total decisions	- 73
Carried over to 1979	- 86

* Of Petitions filed in 1978, 24 were severance appeals and 6 minor variance appeals.

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications, appeals and orders. (O. Reg. 27/73)

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1978, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1978.

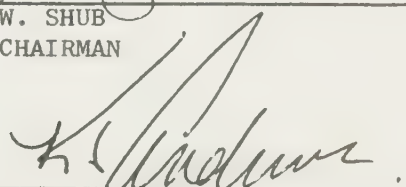
<u>Fiscal Year</u>	<u>Amount</u>
1972-73	\$ 519,367.77
1973-74	526,153.10
1974-75	576,938.35
1975-76	647,305.08
1976-77	514,568.17
1977-78	493,482.25

The revenues of the Board for the calendar year 1978 amounted to \$515,744.39.

All of which is respectfully submitted.



W. SHUB
CHAIRMAN



K. C. ANDREWS
SECRETARY

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74th Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1979



Ontario Municipal Board

180 Dundas Street West
Toronto

74TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1979

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323

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Ontario Municipal Board

PART I

NATURE AND SCOPE OF REPORT

This is the report of the Board for the calendar year 1979 as required by Section 100 of The Ontario Municipal Board Act, R.S.O. 1970, as amended, which reads as follows:

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with representatives of various ministries and made recommendations, particularly in relation to the Planning Act and the Environmental Assessment Act.

* * * * *

PART II
MEMBERSHIP and ORGANIZATION

The offices of the Board are located at 180 Dundas Street West, Toronto (Inquiries - 8th Floor).

The Board has a total complement of 28 Members and a staff of 65.

All Members of the Board are appointed on a full-time basis and the following^{*} is a list of the Members during 1979:

		<u>Date of Appointment</u>
H. E. STEWART	Chairman	April 1, 1974 Chairman - Sept. 1, 1979
W. SHUB, Q.C.	Chairman Emeritus	June 1, 1963 Chairman - July 1, 1976 to August 31, 1979
A.H. ARRELL, Q.C.	Vice-Chairman	June 30, 1961
A.L. McCRAE	Vice-Chairman	December 1, 1958
W.T. SHRIVES	Vice-Chairman	October 18, 1965
W.H.J. THOMPSON, Q.C.	Vice-Chairman	July 1, 1966
B.E. SMITH	Vice-Chairman	August 1, 1968
D.S. COLBOURNE	Vice-Chairman	September 3, 1968
D.D. DIPLOCK, Q.C.	Vice-Chairman	July 1, 1977
S.S. SPEIGEL	Member	May 4, 1970
H.H. LANCASTER	Member	September 7, 1970
P.M. BROOKS	Member	November 1, 1973
A.B. BALL	Member	January 1, 1974
C.G. EBERS, Q.C.	Member	August 12, 1974

H.W. KELLY, Q.C.	Member	September 3, 1974
J.A. WHEELER	Member	September 3, 1974
E.A. SEABORN	Member	September 9, 1974
A.J.L. CHAPMAN, Q.C.	Member	September 30, 1974
W.E. DYER, Q.C.	Member	December 1, 1974
C.G. CHARRON, Q.C.	Member	February 1, 1975
J. WADDS	Member	March 1, 1975 (Resigned - October 31, 1979)
K.D. BINDHARDT	Member	January 2, 1976
W.L. BLAIR	Member	April 15, 1976
D.H. McROBB	Member	January 3, 1978
P.G. WILKES	Member	January 16, 1978
J.E. HENDY	Member	January 30, 1978
V.M. SINGER, Q.C.	Member	September 1, 1978
M.D. HENDERSON	Member	September 1, 1978
* F.G. BLAKE	Member	Part-time Member - (former Vice-Chairman)

* * * * *

K.C. ANDREWS	Secretary
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PART III
ESTABLISHMENT and OPERATION

At the risk of repeating a part of the contents of other annual reports, a brief history of this Board might be warranted.

The Board was created in 1932 under The Ontario Municipal Board Act which repealed but incorporated many of the provisions of The Railway and Municipal Board Act (passed in 1906), The Municipal Schools Accounts Audit Act and The Bureau of Municipal Affairs Act. The establishment of the Board and its authority is now derived from The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of its jurisdiction and authority flows from The Municipal Act, The Planning Act, The Highway Improvement Act, The Assessment Act as well as numerous other statutes.

The Board acts as an independent administrative tribunal and is not an agency or commission. Its function and duties are prescribed by these Acts. When the Board holds a hearing, it is, of course, governed by any applicable statute; but it is also subject to the rules of natural justice. The administration of justice could be said to be divided between the judicial arm of government (the Courts) and the executive arm, of which latter this Board is a branch. The Courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion. In matters of law and jurisdiction there is an appeal from the Board to the Courts. In the majority of matters, there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes and protection of private interests as much as possible.

The Chairman has the responsibility of assigning specific Members to hearings. After the hearing has commenced, Members are deemed seized of such application. The responsibility of arriving at a decision is theirs and theirs alone. While two Members constitute a quorum to hear and dispose of any application, the Chairman is empowered to appoint one Member to hear and decide an application.

* * * * *

PART IV
GENERAL

As shown by the tables on the following pages of this report, 8,937 applications and appeals were received by the Board in 1979.

The Board held 2,366 hearings during the calendar year dealing with 3,286 applications and appeals.

In addition, applications which do not require hearing are subject to review, consideration, and decision by the Board, and the Board in 1979 disposed of 10,196 matters which involved the preparation and issue of 8,658 Board Orders.

The Board in 1979 was again confronted with several lengthy hearings dealing with Official Plan referrals by the Minister of Housing in connection with the Region of Niagara, Region of Durham and completion of the hearings on the Region of Ottawa-Carleton.

As in previous years, Board Members are in attendance at hearings on a continual basis throughout the year, which involved constant travel to all areas of the Province. Despite all efforts, increasing numbers of applications and length of hearings inevitably result in delays to the scheduling of hearings at an early date.

Again in 1979 the number of applications under The Planning Act increased considerably, resulting in a greater number of matters to be dealt with by way of hearings.

The enactment of Bill 183 to amend The Planning Act in December, 1978, followed by the implementation of the regulations on September 1, 1979, pursuant to Section 35(24) of The Planning Act, enables a municipality, where an Official Plan is in effect, to make a by-law effective without the necessity of obtaining the Board's approval when no objections had been filed with the Clerk.

It was anticipated that such would result in eliminating any delay to the implementation of the by-law of the municipality and reduce substantially the number of by-laws dealt with by the Board as part of the administrative duties. For example, the Board in 1979 received 3,995 applications for approval of zoning by-laws, and of this number 2,886, or about 72 percent, were applications where no objection had been filed.

For the period subsequent to the passage of the regulations, September 1st to the end of 1979, there was no indication that eligible municipalities were proceeding under the new legislation. The Board is aware of the extensive circulation of information relating to this change by the Ministry of Housing. However, the Board is not aware of why the eligible municipalities continue to submit by-laws without objections to this Board for approval.

The Board in 1979 received 1,704 appeals from decisions of Committees of Adjustment and Land Division Committees. As stated in previous reports, a considerable amount of the Board's hearing time is required in connection with appeals of this type, which in many instances are incomplete and frequently lack sufficient grounds to succeed.

The increasing number of matters brought to the Board each year has necessitated constant change in administrative procedures to cope with such

extra workload. Continuing with this practice, the Board initiated in the latter part of the year a complete review of all administrative procedures. The purpose of the review is to identify areas of potential improvement in the processing of all applications. The review is expected to be completed by March of 1980.

* * * * *

PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

1: 1979 Changes in Status and Boundaries of Ontario Municipalities

	<u>ANNEXATIONS</u>	<u>EFFECTIVE DATE</u>
TO : FROM:	MADOC, Village of MADOC, Township of (part)	January 1, 1979
TO : FROM:	WHEATLEY, Village of MERSEA, Township of (part)	January 1, 1979
TO : FROM:	LEAMINGTON, Town of MERSEA, Township of (part)	March 1, 1979
TO : FROM:	AYLMER, Town of MALAHIDE, Township of (part)	July 1, 1979
TO : FROM:	THAMESVILLE, Village of CAMDEN, Township of (part)	July 1, 1979
TO : FROM:	MEAFORD, Town of ST. VINCENT, Township of (part)	October 1, 1979
TO : FROM:	PERTH, Town of DRUMMOND, Township of (part)	November 1, 1979
TO : FROM:	ORANGEVILLE, Town of EAST GARAFRAXA, Township of (part)	January 1, 1980
TO : FROM:	ORANGEVILLE, Town of MONO, Township of (part)	January 1, 1980
TO : FROM:	HANOVER, Town of BENTINCK, Township of (part)	January 1, 1980
TO : FROM:	LONDON, City of WESTMINSTER, Township of (part)	January 1, 1980

		<u>Effective Date</u>
TO :	COLDWATER, Village of	January 1, 1980
FROM:	MEDONTE, Township of (part) and TAY, Township of (part)	
TO :	PARIS, Town of	January 1, 1980
FROM:	SOUTH DUMFRIES, Township of (lands owned by Paris Golf Club Ltd.)	
TO :	PARIS, Town of	January 1, 1980
FROM:	SOUTH DUMFRIES, Township of (2 separate parcels of land)	
TO :	CHESLEY, Town of	January 1, 1980
FROM:	ELDELSLIE, Township of (part)	
TO :	CLINTON, Town of	January 1, 1980
FROM:	TUCKERSMITH, Township of (part)	

WARD BOUNDARIES

RAYSIDE-BALFOUR, Town of	division into 5 wards	January 1, 1980
ST. CATHARINES, City of	redivision of boundaries of 6 wards	April 1, 1980

ERLECTIONS

WHITE RIVER, Improvement District of into a Township	December 1, 1979
RED ROCK, Improvement District of into a Township	December 1, 1980

2: Approval of Capital Undertakings and the Imposition of Rates and Levies to Recover the Cost thereof

In 1979 the Board prepared a revised edition of a booklet on "The Role of the Ontario Municipal Board with respect to undertakings involving long term commitments by Ontario Municipalities and their Local Boards". This booklet was mailed to all Commissioners of Finance and the Treasurers of all regions, counties, and local municipalities in the Province to provide a better understanding of the Board's role and for assistance in providing the financial information required by the Board in this connection.

In order to avoid delay and to expedite the processing of applications for approval of capital expenditures, the Board establishes early in each year:

- (a) a capital expenditure quota for all regional municipalities and cities and the larger towns and townships that normally submit applications frequently in one year, and
- (b) a permissible debt limit for all other municipalities.

The following table shows the number of applications received by the Board in 1979 and the previous four years.

<u>Year</u>	<u>Applications</u>
1975	3218
1976	3056
1977	2608
1978	2536
1979	2364

3: Applications and Appeals to the Board under The Planning Act

The following table shows the number and types received in 1979 and the previous four years:

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
1. Applications for approval of restricted area by-laws	2438	3202	3417	3569	3995
2: Applications for approval of plans of redevelopment	0	0	1	24	18
3: Applications for approval of proposed plans of subdivision and condominium	20	47	62	34	71
4: Applications for approval of official plan amendments	97	157	229	213	180
5: Appeals for amendment of restricted area by-laws	98	120	109	112	146
6: Appeals from Committees of Adjustment and Land Division Committees	1780	2205	1793	1833	1704
	<u>4433</u>	<u>5731</u>	<u>5611</u>	<u>5785</u>	<u>6114</u>

4: Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1979 under the various statutes specified:

The Assessment Act	259
The Conservation Authorities Act	38
The Local Improvement Act	8
The Municipal Act	68
The Municipal Affairs Act	10
The Ontario Municipal Board Act	2
The Pits and Quarries Control Act	8
The Public Transportation and Highway Improvement Act	7
The Education Act	8
Special Legislation (Municipalities)	32
Other	<u>19</u>
	<u>459</u>

5: Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1975 to 1979:

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2635	3526	3818	3952	4410
Committee of Adjustment and Land Division Appeals	1780	2205	1793	1833	1704
Capital Expenditure Applications	3218	3056	2608	2536	2364
Assessment Appeals and Miscellaneous	<u>294</u>	<u>356</u>	<u>367</u>	<u>359</u>	<u>459</u>
	<u>7945</u>	<u>9143</u>	<u>8586</u>	<u>8680</u>	<u>8937</u>

6: Summary of Applications and Appeals Completed and Files Closed in 1979 and Preceding Four Years

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2404	2659	3512	4369	5078
Committee of Adjustment and Land Division Appeals	1886	1834	1783	1943	2152
Capital Expenditure Applications	3561	3073	2636	2656	2540
Assessment Appeals and Miscellaneous	<u>323</u>	<u>265</u>	<u>334</u>	<u>366</u>	<u>426</u>
	<u>8174</u>	<u>7831</u>	<u>8265</u>	<u>9334</u>	<u>10196</u>

7. Board Hearings

<u>Years</u>	<u>No. of Hearings</u>	<u>No. of applications dealt with at hearings</u>
1974	1724	2142
1975	2410	2941
1976	1877	2325
1977	1996	2492
1978	2351	2959
1979	2366	3286

8. Board Decisions

Decisions of the Board of leading cases may be found in the Ontario Municipal Board Reports (O.M.B.R.) published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of decisions are also distributed by the Board to appropriate Government agencies and to various universities and law libraries for reference purposes. Copies of individual decisions may be obtained on request from the offices of the Board.

* * * * *

9: Cabinet Decisions on Petitions during 1978 and 1979 -
A Comparison

In the year 1978, 143 new Petitions were filed. The breakdown was as follows:

Carried over from 1977	-	22
Petitions filed in 1978	-	143*
Confirmed	-	47
Rescinded	-	6
New Public Hearings	-	3
Varied	-	5
Abandoned, etc.	-	8
Ruled out of time, etc.	-	4
Total decisions	-	73
Carried over to 1979	-	86

*Of Petitions filed in 1978, 24 were severance appeals and 6 minor variance appeals.

In the year 1979, 171 new Petitions were filed. The breakdown was as follows:

Carried over from 1978	-	87
Petitions filed in 1979	-	171*
Confirmed	-	117
Rescinded	-	2
New Public Hearings	-	15
Varied	-	32
Abandoned	-	16
Ruled out of time, etc.	-	6
Total decisions	-	190
Carried over to 1980	-	70

* Of Petitions filed in 1979, 25 were severance appeals and 11 minor variance appeals.

PART VI
REVENUE

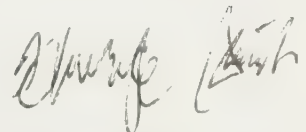
In compliance with the requirement of Section 99 of The Ontario Municipal Board Act, the Board has adopted a tariff of fees payable on various types of applications, appeals and orders. (O. Reg. 27/73)

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1979, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1979.

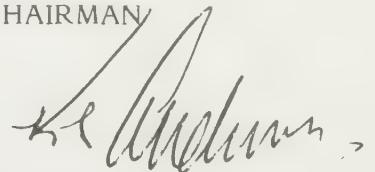
<u>Fiscal Year</u>	<u>Amount</u>
1973-74	\$526,153.10
1974-75	576,938.35
1975-76	647,305.08
1976-77	514,568.17
1977-78	493,482.25
1978-79	505,912.44

The revenues of the Board for the calendar year 1979 amounted to \$442,738.18.

All of which is respectfully submitted.



H.E. STEWART
CHAIRMAN



K.C. ANDREWS
SECRETARY

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Publication



75th Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1980



Ontario Municipal Board

180 Dundas Street West
Toronto

75TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1980

TO: **THE HONOURABLE THE ATTORNEY GENERAL**

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323

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Ontario Municipal Board

PART I

NATURE AND SCOPE OF REPORT

This is the report of the Board for the calendar year 1980 as required by Section 100 of The Ontario Municipal Board Act, R.S.O. 1970, as amended, which reads as follows:

"The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session."

The Board interprets "the affairs of the Board" as not only the statutory functions spelled out in numerous statutes, but also a responsibility to recommend legislative changes arising from problems which we encounter in the performance of our duties. The Board attempts to interpret the needs of communities in relation to the aspiration of people, always consistent with what we understand to be Government policy yet not inconsistent with our statutory responsibilities. When the Board is of the opinion that some improvement might elevate these standards, we have made recommendations to responsible Government agencies. Recognizing that some municipalities might require assistance, the Board has continued its practice of participating in discussion groups throughout the Province. This has involved attendance by Board Members and staff at a number of such meetings. Hopefully, the results have been of benefit to municipalities, in better understanding the functions and mechanics of our Board. In addition, where major legislative changes are

contemplated, the Board, on the initiative of the Attorney General, has met with representatives of various ministries and made recommendations, particularly in relation to the Planning Act and the Environmental Assessment Act.

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PART II

MEMBERSHIP and ORGANIZATION

The offices of the Board are located at 180 Dundas Street West, Toronto
(Inquiries - 7th Floor).

All members of the Board are appointed on a full-time basis * and the following
is a list of the Members during 1980:

		<u>Date of Appointment</u>
H.E. STEWART	Chairman	April 1, 1974 Chairman - Sept.1, 1979
W. SHUB, Q.C.	Chairman Emeritus	June 1, 1963 Vice-Chairman - Oct.1, 1966 Chairman - July 1, 1976 Chairman Emeritus - Sept.1, 1979 Retired - Dec.31, 1980
A.H. ARRELL, Q.C.	Vice-Chairman	June 30, 1961 Vice-Chairman - June 30, 1961
A.L. McCRAE	Vice-Chairman	December 1, 1958 Vice-Chairman - Oct.1, 1974
W.T. SHRIVES	Vice-Chairman	October 18, 1965 Vice-Chairman - June 1, 1977
W.H.J. THOMPSON, Q.C.	Vice-Chairman	July 1, 1966 Vice-Chairman - June 1, 1977
B.E. SMITH	Vice-Chairman	August 1, 1968 Vice-Chairman - June 1, 1977 to October 12, 1980
D.S. COLBOURNE	Vice-Chairman	September 3, 1968 Vice-Chairman - June 1, 1977
D.D. DIPLOCK, Q.C.	Vice-Chairman	July 1, 1977 Vice-Chairman - July 1, 1977
P.M. BROOKS	Vice-Chairman	November 1, 1973 Vice-Chairman - Nov.13, 1980
S.S. SPEIGEL	Member	May 4, 1970 Retired - Oct.31, 1980
H.H. LANCASTER	Member	September 7, 1970
A.B. BALL	Member	January 1, 1974

C.G. EBERS, Q.C.	Member	August 12, 1974
H.W. KELLY, Q.C.	Member	September 3, 1974
J.A. WHEELER	Member	September 3, 1974
E.A. SEABORN	Member	September 9, 1974
A.J.L. CHAPMAN, Q.C.	Member	September 30, 1974
W.E. DYER, Q.C.	Member	December 1, 1974
C.G. CHARRON, Q.C.	Member	February 1, 1975
K.D. BINHARDT	Member	January 2, 1976
W.L. BLAIR	Member	April 15, 1976
D.H. McROBB	Member	January 3, 1978
P.G. WILKES	Member	January 16, 1978
J.E. HENDY	Member	January 30, 1978
V.M. SINGER, Q.C.	Member	September 1, 1978
M.D. HENDERSON	Member	September 1, 1978
D.L. SANTO	Member	March 10, 1980
D.M. ROGERS, Q.C.	Member	March 10, 1980
T.F. BAINES, Q.C.	Member	March 17, 1980
* F.G. BLAKE	Member	Part-time Member (former Vice-Chairman)

* * * * *

K.C. ANDREWS	Secretary
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PART III

ESTABLISHMENT and OPERATION

At the risk of repeating a part of the contents of other annual reports, a brief history of this Board might be warranted.

The Board was created in 1932 under The Ontario Municipal Board Act which repealed but incorporated many of the provisions of The Railway and Municipal Board Act (passed in 1906), The Municipal Schools Accounts Audit Act and The Bureau of Municipal Affairs Act. The establishment of the Board and its authority is now derived from The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of its jurisdiction and authority flows from The Municipal Act, The Planning Act, The Highway Improvement Act, The Assessment Act as well as numerous other statutes.

The Board acts as an independent administrative tribunal and is not an agency or commission. Its function and duties are prescribed by these Acts. When the Board holds a hearing, it is, of course, governed by any applicable statutes; but it is also subject to the rules of natural justice. The administration of justice could be said to be divided between the judicial arm of government (the Courts) and the executive arm, of which latter this Board is a branch. The Courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion. In matters of law and jurisdiction there is an appeal from the Board to the Courts. In the majority of matters, there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes and protection of private interests as much as possible.

The Chairman has the responsibility of assigning specific Members to hearings. After the hearing has commenced, Members are deemed seized of such application. The responsibility of arriving at a decision is theirs and theirs alone. While two Members constitute a quorum to hear and dispose of any application, the Chairman is empowered to appoint one Member to hear and decide an application.

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PART IV
GENERAL

The tables on the following pages of this report will show the Board received in 1980 a total of 7,330 applications and appeals.

The Board conducted 2,384 hearings dealing with 3,135 applications and appeals.

Three members of the Board were seconded to conduct hearings in connection with the Niagara Escarpment Plan as proposed by the Niagara Escarpment Commission. The work of hearing officers commenced early in 1980 and it is expected to continue through 1981.

Other long hearings such as the Region of Niagara Official Plan referral have continued to require substantial amounts of time.

It should be noted that while some decrease has been experienced in the number of matters dealt with by the Board, there was no decrease in the numbers of matters required to be dealt with at hearings.

As a result, Board Members in 1980, as in previous years, had been in attendance at hearings on a continual basis throughout the year, which involved constant travel to all areas of the Province.

Applications which do not require hearings are subject to review, consideration and decision by the Board, and in 1980, the Board disposed of 7,824 various matters which involved the preparation and issue of 7,357 Board Orders.

There was a significant reduction to the number of applications received in 1980 for the approval of restricted area by-laws under The Planning Act. The

Board's records would indicate that such reduction would be attributable, at least in part, to the use by certain municipalities of the regulations under Section 35(24) of The Planning Act, as the number of applications received in 1980 which did not contain objections was 1,614 compared to 2,886 in 1979.

A survey conducted in 1980 by the Ministry of Housing indicated that 197 out of some 472 eligible municipalities were proceeding to use the provisions of the regulations for by-laws where no objections had been filed.

While the reduction of this type of application has not afforded relief to the workload of hearings by the Board, it has provided assistance to the administrative staff enabling the other matters brought to the Board to be processed and dealt with in a more expeditious manner than had been previously possible.

An increase to the number of the eligible municipalities enacting restricted area by-laws in accordance with the regulations of Section 35(24) of The Planning Act would be of further assistance to the Board.

The number of appeals received from decisions of Committees of Adjustment and Land Division Committees reduced from 1,704 in 1979 to 1,358 in 1980.

Appeals to the Board under The Assessment Act increased from 259 in 1979 to 401 in 1980 as a result of reassessment of properties in certain areas.

The initial phase of the review of administrative procedures, which had commenced in 1979, was completed in 1980, whereby the study of the systems and work flow in all areas identified such factors as may contribute to delays in the processing of the Board's work.

Further study together with the implementation of new work procedures and the preparation of revised appeal and application forms has been continuing.

As a result of the continued effort by the Members and staff, the Board is pleased to report that the time required to obtain hearing by the Board has been substantially reduced. Matters which do not require hearing, where all required material is complete, are being dealt with promptly, and most other matters are receiving appointment for hearing within a 3-month period. To maintain this time or improve on it requires the continued efforts of the Board and the assistance of the parties involved in the matters requiring consideration.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

1: 1980 Changes in Status and Boundaries of Ontario Municipalities

<u>ANNEXATIONS</u>		<u>EFFECTIVE DATE</u>
TO :	VANKLEEK HILL, Town of	February 4, 1980
FROM :	WEST HAWKESBURY, Township of (part)	
TO :	DRESDEN, Town of	March 15, 1980
FROM :	CAMDEN, Township of (part)	
TO :	PERTH, Town of	May 1, 1980
FROM :	BATHURST, Township of (part)	
TO :	COLDWATER, Village of	July 1, 1980
FROM :	MEDONTE, Township of (part)	
	TAY, Township of (part)	
TO :	FOREST, Town of	July 1, 1980
FROM :	BOSANQUET, Township of (part)	
TO :	KINGSTON, Township of	September 1, 1980
FROM :	KINGSTON, City of (part)	
TO :	NIPISSING, Township of	October 1, 1980
FROM :	NORTH HIMSWORTH, Township of (part)	
TO :	NORTH HIMSWORTH, Township of	October 1, 1980
FROM :	NIPISSING, Township of (part)	
TO :	ALMONTE, Town of	November 1, 1980
FROM :	RAMSAY, Township of (part)	
TO :	PETAWAWA, Village of	November 1, 1980
FROM :	PETAWAWA, Township of (part)	
TO :	STRATHROY, Town	January 1, 1981
FROM :	ADELAIDE, Township of (part) -approved in part, subject to conditions-	
TO :	WALLACEBURG, Town of	January 1, 1981
FROM :	CHATHAM, Township of (part)	
TO :	SHALLOW LAKE, Village of	January 1, 1981
FROM :	KEPPEL, Township of (part)	
TO :	NEUDSTADT, Village of	January 1, 1981
FROM :	NORMANBY, Township of (part)	
TO :	AMHERSTBURG, Town of	January 1, 1981
FROM :	ANDERDON, Township of (part)	
	MALDEN, Township of (part)	

ERLECTIONS

EFFECTIVE DATE

TRENTON, Town of - into a City	July 1, 1980
OPASATIKA, Improvement District of - into a Township	December 1, 1980
PICKLE LAKE, Improvement District of - into a Township	December 1, 1980
BRIGHTON, Village of - into a Town	December 1, 1980

DISSOLUTION

STE. ANNE-DE-PRESCOTT, Police Village of in the Township of East Hawkesbury	December 1, 1980
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WARD BOUNDARIES

OTTAWA, City of	abolition of Board of Control and redivision of 11 wards into 15 wards	December 1, 1980
THUNDER BAY, City of	alteration of ward boundaries	February 1, 1980
KITCHENER, City of	re-identifying existing 10 wards	May 7, 1980
STONEY CREEK, Town of	redvision of boundaries into 7 wards and alteration of composition of Council	December 1, 1980
THE NORTH SHORE, Township of	division into 6 wards and establishment of represent- ation for such wards	December 1, 1980
WESTMINSTER, Township of	division into 3 wards resulting in the dissolution of the Police Village of Lambeth	December 1, 1980
AJAX, Town of	redvision of boundaries into 5 wards	July 23, 1980
MIDLAND, Town of	redvision of 4 wards into 2 wards	June 30, 1980

COMPOSITION OF COUNCIL

FORT ERIE, Town of	reduction of number of Aldermen from 12 to 8, resulting in abolition of position of Alderman elected at large	December 1, 1980
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EFFECTIVE DATE

HAMILTON, City of	reduction of number of Council members from 21 to 17 by abolishing the Board of Control	December 1, 1980
GLOUCESTER, Township of	Council to be composed of 7 members, inclusive of the Reeve and 6 Councillors (confirmation)	September 12, 1980

2. Approval of Capital Undertakings and the Imposition of Rates and Levies to Recover the Cost thereof

In 1980, the Board again revised the booklet prepared on "The role of the Ontario Municipal Board with respect to undertakings involving long-term commitments by Ontario Municipalities and School Boards". The revised booklet was mailed to all Commissioners of Finance and Treasurers of all regions, counties and municipalities in the Province to provide a better understanding of the Board's role and for assistance in providing the financial information as required by the Board in this connection.

In order to avoid delay and to expedite the processing of applications for approval of capital expenditures, the Board establishes in each year:

- (a) a capital expenditure quota for all regional municipalities and cities and the larger Towns and Townships that normally submit applications frequently in one year, and
- (b) a permissible debt limit for all other municipalities.

Control Guidelines

In the past the Board employed a basic guideline of a percentage of equalized assessment to determine long-term debt capacity.

Equalized assessments were revised in 1979 for use in 1980, and these assessments will be revised annually. In order for the Board to continue using equalized assessment, it would be necessary to revise annually the percentages after a study of the effect of the revised equalized assessments. The time required for such an analysis could result in delays in setting quotas and debt limits.

In view of this and since local municipalities now obtain a larger portion of revenue from sources other than assessment, the Board decided to employ

as a basic guideline a capitalization of total municipal expenditures deemed available to finance long-term debt charges.

The following table shows the number of applications for approval of capital expenditures and related matters received by the Board in 1980 and the previous five years.

<u>Year</u>	<u>Applications</u>
1975	3218
1976	3056
1977	2608
1978	2536
1979	2364
1980	2426

3. Applications and Appeals to the Board under The Planning Act

The following table shows the number and types received in 1980 and the previous five years:

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
1. Applications for approval of restricted area by-laws	2438	3202	3417	3569	3995	2484
2. Applications for approval of plans of redevelopment	0	0	1	24	18	21
3. Applications for approval of proposed plans of subdivision and condominium	20	47	62	34	71	46
4. Applications for approval of official plan amendments	97	157	229	213	180	243
5. Appeals for amendment of restricted area by-laws	98	120	109	112	146	121
6. Appeals from Committees of Adjustment and Land Division Committees	1780	2205	1793	1833	1704	1358
	<u>4433</u>	<u>5731</u>	<u>5611</u>	<u>5785</u>	<u>6114</u>	<u>4273</u>

4. Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1980 under the various statutes specified:

The Assessment Act	401
The Conservation Authorities Act	45
The Local Improvement Act	3
The Municipal Act	61
The Municipal Affairs Act	1
The Ontario Municipal Board Act	1
The Pits and Quarries Control Act	8
The Public Transportation and Highway Improvement Act	5
Special Legislation (Municipalities)	31
Municipal Elections Act	2
Municipal Franchise Act	1
Other	72
	<hr/>
TOTAL	<u>631</u>

5. Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1975 to 1980:

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2635	3526	3818	3952	4410	2915
Committee of Adjustment and Land Division Committee Appeals	1780	2205	1793	1833	1704	1358
Capital Expenditure Applications	3218	3056	2608	2536	2364	2426
Assessment Appeals and Miscellaneous	<u>294</u>	<u>356</u>	<u>367</u>	<u>359</u>	<u>459</u>	<u>631</u>
	<u>7945</u>	<u>9143</u>	<u>8586</u>	<u>8680</u>	<u>8937</u>	<u>7330</u>

6. Summary of Applications and Appeals Completed and Files Closed in 1980 and Preceding Five Years

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2404	2659	3512	4369	4563	3041
Committee of Adjustment and Land Division Committee Appeals	1886	1834	1783	1943	1868	1704
Capital Expenditure Applications	3561	3073	2636	2656	2540	2528
Assessment Appeals and Miscellaneous	<u>323</u>	<u>265</u>	<u>334</u>	<u>366</u>	<u>345</u>	<u>551</u>
	<u>8174</u>	<u>7831</u>	<u>8265</u>	<u>9334</u>	<u>9316</u>	<u>7824</u>

7. Board Hearings

<u>Years</u>	<u>No. of Hearings</u>	<u>No. of applications dealt with at hearings</u>
1975	2410	2941
1976	1877	2325
1977	1996	2492
1978	2351	2959
1979	2366	3286
1980	2384	3135

8. Board Decisions

Decisions of the Board of leading cases may be found in the Ontario Municipal Board Reports (O.M.B.R.) published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of decisions are also distributed by the Board to appropriate Government agencies and to various universities and law libraries for reference purposes. Copies of individual decisions may be obtained on request from the offices of the Board.

9. Cabinet Decisions on Petitions during 1979 and 1980 - A Comparison

In the year 1979, 171 new Petitions were filed. The breakdown was as follows:

Carried over from 1978	-	87
Petitions filed in 1979	-	171*
Confirmed	-	117
Rescinded	-	2
New Public Hearings	-	15
Varied	-	32
Abandoned	-	16
Ruled out of time, etc.	-	6
Total decisions	-	190
Carried over to 1980	-	70

*Of Petitions filed in 1979, 25 were severance appeals and 11 minor variance appeals.

In the year 1980, 144 new Petitions were filed. The breakdown was as follows:

Carried over from 1979	-	65
Petitions filed in 1980	-	144*
Confirmed	-	101
Rescinded	-	7
New Public Hearings	-	4
Varied	-	15
Abandoned, etc.	-	17
Ruled out of time, etc.	-	6
Total decisions	-	215
Carried over to 1981	-	65

*Of Petitions filed in 1980, 38 were severance appeals and 15 minor variance appeals.

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act, the Board has adopted a tariff of fees payable on various types of applications, appeals and orders. (O. Reg. 27/73 Amended by O. Reg. 234/80)

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1980, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1980:

<u>Fiscal Year</u>	<u>Amount</u>
1974-75	\$576,938.35
1975-76	647,305.08
1976-77	514,568.17
1977-78	493,482.25
1978-79	505,912.44
1979-80	451,127.78

The revenues of the Board for the calendar year 1980 amounted to \$535,209.55.

All of which is respectfully submitted.


H. E. STEWART
CHAIRMAN


K. C. ANDREWS
SECRETARY

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76th Annual Report of

The Ontario Municipal Board

for year ended
December 31st
1981





Ontario Municipal Board

180 Dundas Street West
Toronto

76TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1981

TO: **THE HONOURABLE THE ATTORNEY GENERAL**

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1980, Chapter 347

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Ontario Municipal Board

PART I

NATURE AND SCOPE OF REPORT

This is the report of the Board for the calendar year 1981 as required by Section 100 of The Ontario Municipal Board Act, R.S.O. 1980, as amended, which reads as follows:

"The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session."

The Board interprets "the affairs of the Board" as not only the statutory functions spelled out in numerous statutes, but also a responsibility to recommend legislative changes arising from problems which we encounter in the performance of our duties. The Board attempts to interpret the needs of communities in relation to the aspiration of people, always consistent with what we understand to be Government policy yet not inconsistent with our statutory responsibilities. When the Board is of the opinion that some improvement might elevate these standards, we have made recommendations to responsible Government agencies. Recognizing that some municipalities might require assistance, the Board has continued its practice of participating in discussion groups throughout the Province. This has involved attendance by Board Members and staff at a number of such meetings. Hopefully, the results have been of benefit to municipalities, in better understanding the functions

and mechanics of our Board. In addition, where major legislative changes are contemplated, the Board, on the initiative of the Attorney General, has met with representatives of various ministries and made recommendations, particularly in relation to the Planning Act and the Environmental Assessment Act.

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PART II
MEMBERSHIP and ORGANIZATION

The offices of the Board are located at 180 Dundas Street West, Toronto (Inquiries - 7th Floor).

All members of the Board are appointed on a full-time basis* and the following is a list of the Members during 1981:

		<u>Date of Appointment</u>
H.E. STEWART	Chairman	April 1, 1974 Chairman - Sept. 1, 1979
A.H. ARRELL, Q.C.	Vice-Chairman	June 30, 1961 Vice-Chairman - June 30, 1961
A.L. McCRAE	Vice-Chairman	December 1, 1958 Vice-Chairman - Oct. 1, 1974
W.T. SHRIVES	Vice-Chairman	October 18, 1965 Vice-Chairman - June 1, 1977
W.H.J. THOMPSON, Q.C.	Vice-Chairman	July 1, 1966 Vice-Chairman - June 1, 1977
D.S. COLBOURNE	Vice-Chairman	September 3, 1968 Vice-Chairman - June 1, 1977
D.D. DIPLOCK, Q.C.	Vice-Chairman	July 1, 1977 Vice-Chairman - July 1, 1977
P.M. BROOKS	Vice-Chairman	November 1, 1973 Vice-Chairman - Nov. 13, 1980
H.H. LANCASTER	Vice-Chairman	September 7, 1970 Vice-Chairman - June 30, 1981
A.B. BALL	Member	January 1, 1974
C.G. EBERS, Q.C.	Member	August 12, 1974
H.W. KELLY, Q.C.	Member	September 3, 1974

J.A. WHELER	Member	September 3, 1974
E.A. SEABORN	Member	September 9, 1974
A.J.L. CHAPMAN, Q.C.	Member	September 30, 1974
W.E. DYER, Q.C.	Member	December 1, 1974 Deceased December 26, 1981
C.G. CHARRON, Q.C.	Member	February 1, 1975
K.D. BINDHARDT	Member	January 2, 1976
W.L. BLAIR	Member	April 15, 1976 to April 15, 1981
D.H. McROBB	Member	January 3, 1978
P.G. WILKES	Member	January 16, 1978
J.E. HENDY	Member	January 30, 1978
V.M. SINGER, Q.C.	Member	September 1, 1978
M.D. HENDERSON	Member	September 1, 1978
D.L. SANTO	Member	March 10, 1980
D.M. ROGERS, Q.C.	Member	March 10, 1980
T.F. BAINES, Q.C.	Member	March 17, 1980
* J. WORRALL, Q.C.	Member	
* S.R. COLE	Member	
* G. CAMPBELL, Q.C.	Member	
* G.T. DOBBS	Member	
* G.M. HOBART	Member	
* D.W. MIDDLETON	Member	
* By Order in Council 2890/81 of October 8, 1981, the membership of the Land Compensation Board were appointed Members of the Ontario Municipal Board. In like manner the membership of the Ontario Municipal Board were appointed to the Land Compensation Board by Order In Council 2891/81 of October 8, 1981.		

K.C. ANDREWS Secretary

PART III
ESTABLISHMENT and OPERATION

At the risk of repeating a part of the contents of other annual reports, a brief history of this Board might be warranted.

The Board was created in 1932 under The Ontario Municipal Board Act which repealed but incorporated many of the provisions of The Railway and Municipal Board Act (passed in 1906), The Municipal Schools Accounts Audit Act and The Bureau of Municipal Affairs Act. The establishment of the Board and its authority is now derived from The Ontario Municipal Board Act, R.S.O. 1980, Chapter 347, as amended. Much of its jurisdiction and authority flows from The Municipal Act, The Planning Act, The Highway Improvement Act, The Assessment Act as well as numerous other statutes.

The Board acts as an independent administrative tribunal and is not an agency or commission. Its function and duties are prescribed by these Acts. When the Board holds a hearing, it is, of course, governed by any applicable statutes; but it is also subject to the rules of natural justice. The administration of justice could be said to be divided between the judicial arm of government (the Courts) and the executive arm, of which latter this Board is a branch. The Courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion. In matters of law and jurisdiction there is an appeal from the Board to the Courts. In the majority of matters, there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes and protection of private interests as much as possible.

The Chairman has the responsibility of assigning specific Members to hearings. After the hearing has commenced, Members are deemed seized of such application. The responsibility of arriving at a decision is theirs and theirs alone. While two Members constitute a quorum to hear and dispose of any application, the Chairman is empowered to appoint one Member to hear and decide an application.

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PART IV
GENERAL

The tables on the following pages of this report will show that a total of 6,549 applications and appeals had been received by the Board in 1981.

The Board conducted 1,676 hearings dealing with some 2,308 individual matters. It should be noted that while there has been some decrease in the total of applications brought to the Board, there has not been any decrease in the number of matters required to be dealt with by way of Board hearings.

Many such hearings, because of complexity, require lengthy hearing periods and the Board Members in 1981, as in previous years, had been in attendance at hearings on a continual basis throughout the year, which involved constant travel to all areas of the Province. Three members of the Board were seconded in 1980 to conduct hearings on the Niagara Escarpment Plan, and the work of the hearing officers in this connection continued throughout 1981.

Applications which do not require hearings are nonetheless still subject to review consideration and decision by the Board, and during 1981, the Board disposed of 6,929 various matters which involved the preparation and issue of 6,279 Board Orders.

The Board continued in 1981 its review and revision of administrative procedures to alleviate delays and ensure the prompt processing of material received in order that the Board may deal with such matters as expeditiously as possible.

As indicated under Part II of this Report, the membership of the Board was enlarged on October 8, 1981, by the appointments of the Members of the Land Compensation Board and likewise the appointment of the Ontario Municipal Board Members to the Land Compensation Board. Such cross appointments will permit utilization of the Members of both Boards as may be required to meet the hearing demands according to the workload of each Board.

With the implementation in July, 1981, of the Consolidated Hearings Act, the Ontario Municipal Board and the Environmental Assessment Board are required to provide Members for appointment to Joint Boards as required. On applications received under the Consolidated Hearings Act, the Chairman of this Board and the Chairman of the Environmental Assessment Board by order establishes the Joint Boards as required by the appointment of Members from each of the Boards. To date six applications have been received under this legislation.

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PART V
GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

1: 1981 Changes in Status and Boundaries of Ontario Municipalities

ANNEXATIONS

<u>FILE #</u>		<u>EFFECTIVE DATE</u>
M 80396	TO : SHALLOW LAKE, Village of FROM : KEPPEL, Township of (part)	January 1, 1981
M 8028	TO : AMHERSTBURG, Town of FROM : MALDEN and ANDERDON, Townships of (parts)	January 1, 1981
M 80345	TO : CASSELMAN, Village of FROM : CAMBRIDGE, Township of (part)	March 1, 1981
M 80393	TO : VANKLEEK HILL, Town of FROM : WEST HAWKESBURY, Township of (part)	April 1, 1981
M 80395	TO : NEUSTADT, Village of FROM : NORMANBY, Township of (part)	January 1, 1981
M 79136	TO : CHATHAM, City of FROM : RALEIGH, Township of (part)	January 1, 1982
M 80577	TO : RENFREW, Town of FROM : HORTON, Township of (part)	July 1, 1981
M 8172 M 8143	TO : BLENHEIM, Town of FROM : HARWICH, Township of (part)	July 1, 1981
M 80501	TO : HENSALL, Village of FROM : HAY, Township of (part)	January 1, 1982
M 81214	TO : TOTTENHAM, Village of FROM : TECUMSETH, Township of (part)	December 1, 1981
M 78333	TO : WALLACEBURG, Town of FROM : CHATHAM, Township of (part)	January 1, 1981

DISSOLUTIONS

<u>FILE #</u>		<u>EFFECTIVE DATE</u>
M 80347	COBOCONK, Police Village of -in the Townships of Somerville and Bexley	January 1, 1981
M 80549	PORT LAMBTON, Police Village of -in the Township of Sombra	retroactive to December 31, 1980
M 80598	KINMOUNT, Police Village of -in the Township of Somerville	January 1, 1981
M 8147	ST. EUGENE, Police Village of -in the Township of East Hawkesbury	January 1, 1981
M 8112	CHUTE-A-BLONDEAU, Police Village of -in the Township of East Hawkesbury	retroactive to December 31, 1980
M 8183	ETHEL, Police Village of -in the Township of Grey	January 1, 1981
M 80544	FOURNIER, Police Village of -in the Township of South Plantagenet	January 1, 1981
M 80566	OAKWOOD, Police Village of -in the Township of Mariposa	December 31, 1981

ERLECTIONS

No applications received as of December 31, 1981.

WARD BOUNDARIES

M 80545	WELLAND, City of	May 6, 1981
	readjust certain ward boundaries	

COMPOSITION OF COUNCIL

No applications received as of December 31, 1981.

QUIETING ORDERS

M 80352	Alteration of the boundaries of a portion of the <u>Village of Lucan,</u> County of middlesex	Board Order made on September 17, <u>1981</u>
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INCORPORATIONS

M 79409 MISSANABIE
(Incorporation into
an Improvement District)

June 22, 1981
(dismissed)

2: Approval of Capital Undertakings and the Imposition of Rates and Levies to Recover the Cost thereof

In 1981, the Board again revised the booklet prepared on "The role of the Ontario Municipal Board with respect to undertakings involving long-term commitments by Ontario Municipalities and School Boards". The revised booklet was mailed to all Commissioners of Finance and Treasurers of all regions, counties and municipalities in the Province to provide a better understanding of the Board's role and for assistance in providing the financial information as required by the Board in this connection.

In order to avoid delay and to expedite the processing of applications for approval of capital expenditures, the Board establishes in each year:

- (a) a capital expenditure quota for all regional municipalities and cities and the larger Towns and Townships that normally submit applications frequently in one year, and
- (b) a permissible debt limit for all other municipalities.

Control Guidelines

In the past, the Board employed a basic guideline of a percentage of equalized assessment to determine long-term debt capacity.

Equalized assessments were revised in 1979 for use in 1980, and these assessments will be revised annually. In order for the Board to continue using equalized assessment, it would be necessary to revise annually the percentages after a study of the effect of the revised equalized assessments. The time required for such an analysis could result in delays in setting quotas and debt limits.

In view of this and since local municipalities now obtain a larger portion of revenue from sources other than assessment, the Board decided to employ as a basic guideline a capitalization of total municipal expenditures deemed available to finance long-term debt charges.

The following table shows the number of applications for approval of capital expenditures and related matters received by the Board in 1981 and the previous five years.

<u>Year</u>	<u>Applications</u>
1976	3056
1977	2608
1978	2536
1979	2364
1980	2426
1981	2148

3: Applications and Appeals to the Board under The Planning Act

The following table shows the number and types received in 1981 and the previous five years:

	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
1. Applications for approval of restricted area by-laws	3202	3417	3569	3995	2484	2283
2. Applications for approval of plans of redevelopment	0	1	24	18	21	17
3. Applications for approval of proposed plans of subdivision and condominium	47	62	34	71	46	52
4. Applications for approval of Official Plan amendments	157	229	213	180	243	208
5. Appeals for amendment of restricted area by-laws	120	109	112	146	121	109
6. Appeals from Committees of Adjustment and Land Division Committees	2205	1793	1833	1704	1358	1122
	<u>5731</u>	<u>5611</u>	<u>5785</u>	<u>6114</u>	<u>4273</u>	<u>3791</u>

4: Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1981 under the various statutes specified:

The Assessment Act	406
The Conservation Authorities Act	50
The Local Improvement Act	2
The Municipal Act	49
The Pits and Quarries Control Act	9
The Public Transportation and Highway Improvement Act	4
Special Legislation (Municipalities)	28
Other	62
	<hr/>
TOTAL	<u>610</u>

5: Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1976 to 1981:

	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Restricted Area By-laws, Official Plan Amendments, etc.	3526	3818	3952	4410	2915	2669
Committee of Adjustment and Land Division Committee Appeals	2205	1793	1833	1704	1358	1122
Capital Expenditure Applications	3056	2608	2536	2364	2426	2148
Assessment Appeals and Miscellaneous	356	367	359	459	631	610
	<u>9143</u>	<u>8586</u>	<u>8680</u>	<u>8937</u>	<u>7330</u>	<u>6549</u>

6: Summary of Applications and Appeals Completed and Files Closed in 1981 and Preceding Five Years

	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Restricted Area By-laws, Official Plan Amendments, etc.	2659	3512	4369	4563	3041	2904
Committee of Adjustment and Land Division Committee Appeals	1834	1783	1943	1868	1704	1340
Capital Expenditure Applications	3073	2636	2656	2540	2528	2200
Assessment Appeals and Miscellaneous	265	334	366	345	551	485
	<u>7831</u>	<u>8265</u>	<u>9334</u>	<u>9316</u>	<u>7824</u>	<u>6929</u>

7: Board Hearings

<u>Years</u>	<u>No. of Hearings</u>	<u>No. of applications dealt with at hearings</u>
1976	1877	2325
1977	1996	2492
1978	2351	2959
1979	2366	3286
1980	2384	3135
1981	1676	2308

8: Board Decisions

Decisions of the Board of leading cases may be found in the Ontario Municipal Board Reports (O.M.B.R.) published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of decisions are also distributed by the Board to appropriate Government agencies and to various universities and law libraries for reference purposes. Copies of individual decisions may be obtained on request from the offices of the Board.

9: Cabinet Decisions on Petitions during 1980 and 1981 - A Comparison

In the year 1980, 144 new Petitions were filed. The breakdown was as follows:

Carried over from 1979	-	65
Petitions filed in 1980	-	144*
Confirmed	-	101
Rescinded	-	7
New Public Hearings	-	4
Varied	-	15
Abandoned, etc.	-	17
Ruled out of time, etc.	-	6
Total decisions	-	215
Carried over to 1981	-	65

*Of Petitions filed in 1980, 38 were severance appeals and 15 minor variance appeals.

In the year 1981, 100 new Petitions were filed. The breakdown was as follows:

Carried over from 1980	-	65
Petitions filed in 1981	-	100*
Confirmed	-	64
Rescinded	-	14
New Public Hearings	-	4
Varied	-	26
Abandoned, etc.	-	14
Ruled out of time, etc.	-	4
Total decisions	-	165
Carried over to 1982	-	39

*Of Petitions filed in 1981, 14 were severance appeals and 8 minor variance appeals.

PART VI

REVENUE

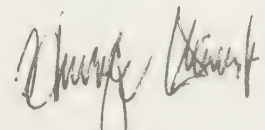
In compliance with the requirement of Section 99 of The Ontario Municipal Board Act, the Board has adopted a tariff of fees payable on various types of applications, appeals and orders. (O. Reg. 27/73 Amended by O. Reg. 234/80 and 623/81)

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1981, and the preceding five years. In conformity with provincial accounting the fiscal year amounts are shown in contrast to other statistics in this report which are for the calendar year of 1981:

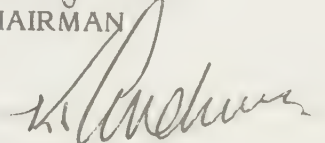
<u>Fiscal Year</u>	<u>Amount</u>
1975-76	\$647,305.08
1976-77	514,568.17
1977-78	493,482.25
1978-79	505,912.44
1979-80	451,127.78
1980-81	566,729.85

The revenues of the Board for the calendar year 1981 amounted to \$585,716.09.

All of which is respectfully submitted.



H.E. STEWART
CHAIRMAN



K.C. ANDREWS
SECRETARY

CA 24N
MA 81
-A56



THE ONTARIO MUNICIPAL BOARD

77th ANNUAL REPORT

january 1, 1982 to december 31, 1982



THE
ONTARIO
MUNICIPAL
BOARD

77th ANNUAL REPORT

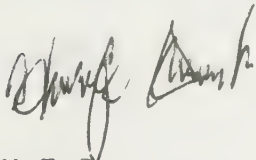
January 1, 1982 to December 31, 1982

June 13, 1983

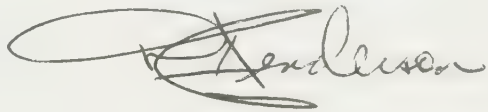
The Honourable R. Roy McMurtry
Attorney General
Ministry of the Attorney General
18 King Street East
18th floor
Toronto, Ontario
M5C 1C5

Dear Mr. Attorney:

We are pleased to submit to you, as required by Section 100 of the Ontario Municipal Board Act, the Annual Report of the Board for the 1982 calendar year.

A handwritten signature in dark ink, appearing to read "H. E. Stewart".

H. E. Stewart
Chairman

A handwritten signature in dark ink, appearing to read "D. G. Henderson".

D. G. Henderson
Secretary and Chief
Administrative Officer

MEMBERS

The following is a list of the Members of the Board during 1982:

		<u>Date of Appointment</u>
H. E. STEWART	Chairman	April 1, 1974 Chairman - Sept. 1, 1979
A. H. ARRELL, Q. C.	Vice-Chairman	June 30, 1961 Vice-Chairman - June 30, 1961
A. L. McCRAE	Vice-Chairman	December 1, 1958 Vice-Chairman - Oct. 1, 1974
W. T. SHRIVES	Vice-Chairman	October 18, 1965 Vice-Chairman - June 1, 1977
W. H. J. THOMPSON, Q. C.	Vice-Chairman	July 1, 1966 Vice-Chairman - June 1, 1977
D. S. COLBOURNE	Vice-Chairman	September 3, 1968 Vice-Chairman - June 1, 1977
D. D. DIPLOCK, Q. C.	Vice-Chairman	July 1, 1977 Vice-Chairman - July 1, 1977
P. M. BROOKS	Vice-Chairman	November 1, 1973 Vice-Chairman - Nov. 13, 1980
H. H. LANCASTER	Vice-Chairman	September 7, 1970 Vice-Chairman - June 30, 1981
D. H. McROBB	Vice-Chairman	January 3, 1978 Vice-Chairman - Oct. 22, 1982
A. B. BALL	Member	January 1, 1974
C. G. EBERS, Q. C.	Member	August 12, 1974
H. W. KELLY, Q.C.	Member	September 3, 1974
J. A. WHELER	Member	September 3, 1974
E. A. SEABORN	Member	September 9, 1974
A. J. L. CHAPMAN, Q. C.	Member	September 10, 1974
C. G. CHARRON, Q. C.	Member	February 1, 1975

		<u>Date of Appointment</u>
K. D. BINDHARDT	Member	January 2, 1976
P. G. WILKES	Member	January 16, 1978
J. E. HENDY	Member	January 30, 1978
V. M. SINGER, Q. C.	Member	September 1, 1978
M. D. HENDERSON	Member	September 1, 1978
D. L. SANTO	Member	March 10, 1980
D. M. ROGERS, Q. C.	Member	March 10, 1980
T. F. BAINES, Q. C.	Member	March 17, 1980
J. WORRALL, Q. C.	Member	October 8, 1981
S. R. COLE	Member	October 8, 1981
G. CAMPBELL, Q. C.	Member	October 8, 1981
G. T. DOBBS	Member	October 8, 1981
G. M. HOBART	Member	October 8, 1981
D. W. MIDDLETON	Member	October 8, 1981
J. R. MILLS	Member	May 10, 1982
P. H. HOWDEN, Q. C.	Member	July 19, 1982
E. F. CROSSLAND	Member	November 1, 1982
G. A. HARRON	Member	December 1, 1982

ADMINISTRATION

The offices of the Board are located at 180 Dundas Street West, Toronto, M5G 1E5. (Telephone: 416/598-2266).

K. C. Andrews	Secretary and Chief Administrative Officer (Retired May 28, 1982)
D. G. Henderson	Secretary and Chief Administrative Officer
B. C. Alty	Administrative Officer
E. R. Elliston	Supervisor of Hearings and Schedules (Retired May 28, 1982)
D. M. Stewart	Supervisor of Hearings and Schedules
M. S. Manji	Supervisor of Capital Expenditures
C. Saruyama	Supervisor of Planning Administration

THE ONTARIO MUNICIPAL BOARD

A. HISTORY:

The legislative roots of the Ontario Municipal Board can be traced back to 1897 when the Office of the Provincial Municipal Auditor was created to establish rules for the proper keeping of accounts by municipalities. The Ontario Railway and Municipal Board Act in 1906 created a Board of the same name. Later, in 1917, the Bureau of Municipal Affairs Act was passed and the Bureau, which was created, supervised the accounts of schools and public utilities and issued bulletins to guide municipalities in administration.

The Ontario Municipal Board Act, enacted in 1932, created this Board. This Act repealed the Ontario Railway and Municipal Board Act and the Bureau of Municipal Affairs Act and incorporated many of the provisions and powers of these Acts on the Board. Most of the powers bestowed upon it in 1932 have been retained by the Board to this date.

Appointed by the Provincial Government, the Board is an independent administrative tribunal, and as such is not an agency, commission or department of the government.

The Board's function as a tribunal is generally limited to dealing with applications or appeals made under the provisions of various statutes. Much of its jurisdiction and authority flows from The Ontario Municipal Board Act, the Municipal Act, the Planning Act, the Assessment Act, as well as numerous other statutes.

For administrative purposes the Board reports to the Ministry of the Attorney General.

B. COMPOSITION:

As of December 31, 1982, there were 35 members of the Board including the Chairman and Vice-Chairmen. Members are appointed by the Lieutenant Governor in Council and serve on a full-time basis and are based at the Board's offices in Toronto.

As of December 31, 1982, the Board had a staff complement of 72 civil servants. The staff of the Board provide administrative and clerical services in connection with the processing of applications and appeals, the arrangement of hearings, and the preparation of Board orders and decisions.

C. HEARINGS:

When the Board holds a hearing, it is governed by any applicable statute, but it is also subject to the rules of natural justice.

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedents. Administrative boards, such as this Board, administer what is sometimes called 'discretionary justice' having a minimum of rules and a wide spectrum of discretion.

In matters of law and jurisdiction there is provision for appeal from decisions of the Board to the courts. In many of the matters dealt with by the Board there is a provision for appeal from the Board's decision to Cabinet by way of a petition to the Lieutenant Governor in Council.

Although two members constitute a quorum for Ontario Municipal Board hearings, more than two members can be assigned to a hearing as long as the number of members is uneven. The Chairman has authority however to

appoint only one member to hear and decide on any application. This has been used with greater frequency in recent years because of the Board's workload.

It is the practice of the Board to conduct hearings in the municipality from which the application originated and generally the only hearings held by the Board in their offices in Toronto involve the Metropolitan Toronto area. As a result of this practice, a considerable amount of travel is incurred by the members attending hearings in all areas of the province. Hearings not within reasonable commuting distance from Toronto are arranged on a weekly trip basis and do not involve daily travel from Toronto.

1982

THE YEAR IN REVIEW

The number of matters received by the Ontario Municipal Board in 1982 was marginally less (4%) than the previous year.

There was a 12% reduction in the number of restricted area by-laws received, which can be attributed partly to economic conditions in the province and partly to the use by municipalities of Section 39(26) of the Planning Act which allows for by-laws to come into effect without the approval of the Ontario Municipal Board. Of the restricted area by-laws which were received by the Board, 66% had no objections and were approved in chambers without the need for a hearing. With the proclamation of Bill 159, An Act to Revise the Planning Act, in 1983, such by-laws with no objections and appeals will not require the approval of the Board. This will be of value to the Board in that the other matters brought to the Board can be processed and dealt with in a more expeditious manner than had been previously possible.

The Board received 50% more assessment appeals in 1982 than it had in 1981. The Board has taken a number of steps to recognize that increase in assessment appeals and in preparation for the January 1, 1983, proclamation of the Assessment Appeals Procedure Statute Law Amendment Act, 1982 (Bill 140). The workload of the Board will increase substantially in 1983 in assuming responsibility for the large backlog of assessment appeals pending before county and district court judges and for new appeals from the Assessment Review Board. Two of the four new members who were appointed to the Board in 1982 are assigned to the Assessment Appeals Division, with additional members to be appointed and staff to be recruited in 1983.

The Board held 1682 hearings in 1982 dealing with 2197 applications. The number of hearings is slightly greater than in the previous year. The Board has found that hearings have continued to become more complicated and complex and, as a result, are generally longer. A considerable number of hearings seem to be the subject of withdrawals and requests for adjournment at the last minute or on the day of the hearing, which results in lost hearing days for the Board. The Board needs these lost hearing days to deal with the backlog of appeals and by various means has been encouraging solicitors, agents, consultants and others to minimize last minute withdrawals or requests for adjournment.

Selected decisions of the Board may be found in the Ontario Municipal Board Reports (OMBR) published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of individual decisions may be obtained on request from the offices of the Board.

Three members of the Ontario Municipal Board were seconded in 1980 to conduct hearings on the Niagara Escarpment Plan, and the work of those members continued in that connection throughout 1982.

There were 75 hearings under The Expropriations Act in 1982. The cross-appointment of Ontario Municipal Board and Land Compensation Board members has permitted a more efficient and flexible utilization of members required to meet the hearing demands according to the workload of each board. A full integration of the Land Compensation Board with the Ontario Municipal Board would add even greater benefits.

The Board continues to make itself available to participate in discussions and seminars throughout the province. There were discussions in

1982 on the proposed amendments to the Planning Act and on The Consolidated Hearings Act. The attendance of members and/or staff at such meetings results in a better understanding of the functions and responsibilities of the Board.

On a personal note, the Board recognizes the contribution and services of Ken Andrews, who served as Secretary and Chief Administrative Officer from 1971 to his retirement in 1982.

BOARD HEARINGS

Year	Number of Hearings		Number of Applications Dealt with at Hearings	
1982	Ontario Municipal Board	1602	Ontario Municipal Board	2079
	Land Compensation Board	75	Land Compensation Board	105
	Consolidated Hearings	5	Consolidated Hearings	13
	Total	1682	Total	2197
1981	Total	1676	Total	2308

BOARD ORDERS

Year	Number of Orders	Number of Applications Dealt with in Orders
1982	5755	6564
1981	6279	6929

CABINET PETITIONS

Year	Carried Over from Previous Year	*Received	Confirmed OMB Decision	Rescinded OMB Decision	Varied OMB Decision	Required New Hearing	Petition Not Proceeded With	Carried Over to Next Year
1982	39	113	67	9	5	16	12	43
1981	65	100	64	14	4	26	18	39

*More than one petition is sometimes filed in relation to the same OMB decision.

APPLICATIONS AND APPEALS

The following table shows the number and types of applications and appeals received in 1982 and a comparison with the number received in 1981.

Type of Application/Appeal	1982	1981
A. The Planning Act		
1. Restricted Area By-laws	2002	2283
2. (a) Consent Appeals	427	-
(b) Minor Variance Appeals	<u>425</u>	<u>-</u>
	852	1122
3. Official Plan Referrals	192	208
4. Plans of Subdivision and Condominium	61	52
5. Zoning Appeals	103	109
B. The Municipal Act		
1. Capital Expenditures	2195	2148
2. Miscellaneous	59	49
C. The Assessment Act	607	406
D. Miscellaneous	187	204
E. Consolidated Hearings	<u>11</u>	<u>1</u>
TOTAL	6269	6582
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THE ONTARIO MUNICIPAL BOARD

78th ANNUAL REPORT

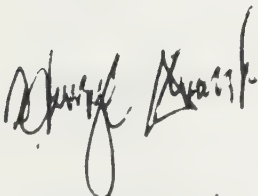
january 1, 1983 to december 31, 1983

April 30, 1984

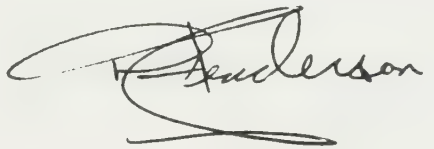
The Honourable R. Roy McMurtry
Attorney General
Ministry of the Attorney General
18 King Street East
18th Floor
TORONTO, Ontario
M5C 1C5

Dear Mr. Attorney General:

We are pleased to submit to you, as required by
section 100 of the Ontario Municipal Board Act,
the Annual Report of the Board for the 1983
calendar year.

A handwritten signature in dark ink, appearing to read 'H.E. Stewart', with a stylized flourish at the end.

H.E. Stewart
Chairman

A handwritten signature in dark ink, appearing to read 'D.G. Henderson', with a large, sweeping initial 'D'.

D.G. Henderson
Secretary and Chief
Administrative Officer

MEMBERS

As of December 31, 1983, there were 38 Members of the Board including the Chairman and Vice-Chairmen. Members are appointed by the Lieutenant Governor in Council and serve on a full-time basis and are based at the Board's offices in Toronto.

		<u>Date of Appointment</u>
H.E. STEWART	Chairman	April 1, 1974 Chairman - Sept. 1, 1979
A.H. ARRELL, Q.C.	Vice-Chairman	June 30, 1961 Vice-Chairman - June 30, 1961
W.H.J. THOMPSON, Q.C.	Vice-Chairman	July 1, 1966 Vice-Chairman - June 1, 1977
D.S. COLBOURNE	Vice-Chairman	September 3, 1968 Vice-Chairman - June 1, 1977
D.D. DIPLOCK, Q.C.	Vice-Chairman	July 1, 1977 Vice-Chairman - July 1, 1977
P.M. BROOKS	Vice-Chairman	November 1, 1973 Vice-Chairman - November 13, 1980
H.H. LANCASTER	Vice-Chairman	September 7, 1970 Vice-Chairman - June 30, 1981
D.H. McROBB	Vice-Chairman	January 3, 1978 Vice-Chairman - October 22, 1982
A.B. BALL	Member	January 1, 1974
C.G. EBERS, Q.C.	Member	August 12, 1974
H.W. KELLY, Q.C.	Member	September 3, 1974
J.A. WHEELER	Member	September 3, 1974
E.A. SEABORN	Member	September 9, 1974
A.J.L. CHAPMAN, Q.C.	Member	September 10, 1974

		<u>Date of Appointment</u>
C.G. CHARRON, Q.C.	Member	February 1, 1975
K.D. BINDHARDT	Member	January 2, 1976
P.G. WILKES	Member	January 16, 1978
J.E. HENDY	Member	January 30, 1978
V.M. SINGER, Q.C.	Member	September 1, 1978
M.D. HENDERSON	Member	September 1, 1978
D.L. SANTO	Member	March 10, 1980
D.M. ROGERS, Q.C.	Member	March 10, 1980
T.F. BAINES, Q.C.	Member	March 17, 1980
J. WORRALL, Q.C.	Member	October 8, 1981
S.R. COLE	Member	October 8, 1981
G. CAMPBELL, Q.C.	Member	October 8, 1981
G.T. DOBBS	Member	October 8, 1981
G.M. HOBART	Member	October 8, 1981
D.W. MIDDLETON	Member	October 8, 1981
J.R. MILLS	Member	May 10, 1982
P.H. HOWDEN, Q.C.	Member	July 19, 1982
E.F. CROSSLAND	Member	November 1, 1982
G.A. HARRON	Member	December 1, 1982
M.A. ROSENBERG, Q.C.	Member	January 3, 1983
R.D.M. OWEN	Member	January 4, 1983
N.L. CHEESEMAN	Member	January 4, 1983
R.W. RODMAN	Member	March 14, 1983
G.I. THOMSON, Q.C.	Member	May 2, 1983

The Board wishes to acknowledge and emphasize the major contribution of A.L. McCrae and W.T. Shrives, Vice-Chairmen of the Board. Both Mr. McCrae, who was a Member of the Board for 24 years, and Mr. Shrives, who was a Member of the Board for 17 years, retired on December 31, 1982.

ADMINISTRATION

As of December 31, 1983, the Board had a staff complement of 79. The staff of the Board provide administrative and clerical services in connection with the processing of applications and appeals, the arrangement of hearings, and the preparation of Board orders and decisions.

The offices of the Board are located at 180 Dundas Street West, Toronto, M5G 1E5. (Telephone: 416/598-2266).

D.G. Henderson	Secretary and Chief Administrative Officer
B.C. Alty	Assistant Secretary and Administrative Officer
D.M. Stewart	Manager of Hearings
M.S. Manji	Manager of Capital Expenditures and Assessment Appeals
C. Saruyama	Supervisor of Planning Administration

THE YEAR IN REVIEW

Introduction

1983 was a very significant year for the Ontario Municipal Board. Three major events impacted the Board's operation:

- (a) the proclamation on January 1, 1983, of the Assessment Appeals Procedure Statute Law Amendment Act 1982, established a new assessment appeal process and transferred a backlog of approximately 67,000 complaints then outstanding before the county and district courts to this Board.
- (b) the proclamation on July 15, 1983, of the Expropriations Amendment Act 1983, transferred all the functions of the Land Compensation Board to the Ontario Municipal Board.
- (c) the proclamation on August 1, 1983, of the Planning Act, 1983, established new legislation and regulations dealing with municipal and provincial planning in Ontario.

Assessment Appeals

The Board has expended considerable effort in dealing with the backlog of assessment appeals assumed on January 1, 1983.

D.S. Colbourne, Vice-Chairman of the Board, was assigned the responsibility to oversee the new assessment appeals division. Six additional Board Members were appointed specifically to hear assessment appeals together with the

present Members who still conduct hearings on many other types of matters. At the end of 1983, approximately 37 per cent of the total hearing days of Members were directed at assessment appeals.

The Board's mandate is to deal with the backlog of approximately 67,000 complaints within a three year period, and at the same time to ensure that no further backlog is created with new appeals made to the Board from decisions of the Assessment Review Board.

During the early part of 1983 staff were hired and trained and familiarized themselves with the newly developed procedures in order to deal with the enormous paper load coming from the county courts through the Assessment Review Board. To prepare and co-ordinate the documentation and information needed prior to appeals being scheduled for hearing required that the new staff expend considerable efforts, involving significant overtime, with the result that the processing of the backlog was underway and in full production during the last half of 1983. The early part of the year was also spent in familiarizing the new Board Members with the property assessment and hearing process.

At present membership and staff level and at current pace, the Board expects to meet the target of processing the backlog of assessment appeals within the three year period. Although the figure of 67,000 complaints is considerable, that figure can be misinterpreted in respect to the actual workload on assessment appeals in that:

- (a) many of those complaints are duplicates in that they involve roll numbers related to one property which are under appeal for more than one year.
- (b) individual hearings will deal with more than one complaint for the reason stated in (a). Also, a condominium building or a shopping centre each have a large number of complaints for one or more years, and they are considered together at the same hearing of the Board.
- (c) because of the age of some of the appeals and change in ownership, many of the appeals are abandoned or withdrawn or are settled between the parties. The range in age is from 1974 to 1982.
- (d) there are some issues common to a number of properties which are before the courts, which thereby precludes the Board from hearing a considerable number of appeals. An example of such issue is the assessment of condominiums in Mississauga. Once the issues are dealt with by the courts, hearings may not be necessary, but it will still require administrative processing and Board orders to deal with these appeals. A problem relates to the when and at what level decisions are made in the courts. If the matters are further appealed from the lower courts, this will involve considerable additional time, and thereby also require the appeal of further years by the owners.

This will, of course, duplicate the numbers of each of those future years and for those major issues may considerably increase the number of outstanding rolls.

The Board has been involved in numerous meetings and discussions with most of the practitioners and groups involved in assessment matters. The Board has requested their assistance in providing hearing ready lists of those complaints on which the parties are ready to proceed to hearing. Those lists which involve the majority of the backlog together with the selection of all single-family appeals are scheduled for hearing as a priority.

This has been moderately successful but, as already indicated, a considerable number of assessment appeals are the subject of withdrawals, requests for adjournment, or minutes of settlement, at the last minute, or on the day of the hearing. This results in unutilized hearing days for the Members. We continue to encourage those involved, solicitors, agents, assessors and others to minimize these actions and to attempt to negotiate settlements well in advance of the hearing date.

Land Compensation

The cross appointment of Members of the Ontario Municipal Board and the Land Compensation Board in October 1981, resulted in a partial integration of the land compensation process. This also resulted in a more efficient and flexible utilization of Members related to the hearing demands of the workload of each Board.

The proclamation of the Expropriations Amendment Act, 1983, on July 15, 1983, resulted in the transfer of all functions and staff of the Land Compensation Board to the Ontario Municipal Board and in the full integration of the land compensation function into this Board. The legislative changes affecting panel requirements have enabled the Board to be more responsive in arranging earlier hearings than was previously possible.

The Planning Act

The Planning Act, 1983, was proclaimed on August 1, 1983.

With the limited time which has elapsed since proclamation, it is too soon to enable anyone to define all of the implications and issues which the Ontario Municipal Board will face as a result of the new legislation.

The Board has been involved in meetings and discussions with various organizations in preparing for the impact of the new legislation. In addition, seminars have been held within the Board to familiarize Members and staff with the changes resulting from the new Act.

For the information of municipal officials and other practitioners in the planning process, and to clarify exactly what is required when forwarding appeals and referrals to the Board, new submission forms have been introduced for all types of applications under the new sections of the Planning Act. This will enable the Board to arrange for a hearing date more quickly by eliminating additional time required to obtain information or material on incomplete submissions.

The impact of the new legislation will become more evident over 1984 as the Board deals with matters under that legislation.

Conclusion

The Board's responsibilities and workload have been significantly impacted by events during 1983. The Board has expended considerable effort in assimilating its new responsibilities and in dealing with the major changes in legislation.

There has been a determined attempt to deal efficiently with all matters and to minimize the time between the date of submitting applications and hearing dates. A measure of our success in this regard is apparent in the increased requests for adjournments where parties are not prepared.

BOARD HEARINGS

YEAR	NUMBER OF HEARINGS		NUMBER OF FILES DEALT WITH AT HEARINGS	
1983	Planning and Municipal	1480	Planning and Municipal	1953
	Assessment Appeals	664	Assessment Appeals	2017
	Land Compensation	88	Land Compensation	98
	Consolidated Hearings	7	Consolidated Hearings	16
	TOTAL	2239	TOTAL	4084
1982		1682		2197
1981		1676		2308

When the Board holds a hearing, it is governed by the statute, under which an application is made, but it is also subject to the rules of natural justice (and the requirements of the Statutory Powers and Procedure Act).

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedents. Administrative boards, such as this Board, administer what is sometimes called 'discretionary justice' having a minimum of rules and a wide spectrum of discretion.

In matters of law and jurisdiction there is provision for appeal from decisions of the Board to the courts. In some of the matters dealt with by the Board there is a provision for appeal from the Board's decision to Cabinet by way of a petition to the Lieutenant Governor in Council.

Although two Members constitute a quorum for Ontario Municipal Board hearings, more than two Members can be assigned to a hearing as long as the number of Members is uneven. The Chairman has authority however to appoint only one Member to hear and decide on any application. This has been used with greater frequency in recent years because of the Board's workload.

It is the practice of the Board to conduct hearings in the area from which the application originated and generally the only hearings held by the Board in our offices in Toronto involve the Metropolitan Toronto area. As a result, a considerable amount of travel is incurred by the Members attending hearings in all areas of the province. Hearings not within reasonable commuting distance from Toronto are arranged on a weekly trip basis and do not involve daily travel from Toronto.

IED
TC

During 1983, the Board held 2239 hearings dealing with 4084 applications. This is a significant increase over previous years and reflects the increase in the number of Members appointed to the Board and the approach to handling assessment appeals. The number of days required for a hearing varies considerably from one application to another.

A recent survey indicated that hearings for planning matters took 47% of the Members' hearing time. Assessment appeals required 37%, land compensation required 12% and other matters required the remaining 4%. Assessment appeals, due to the volume of the backlog and the number received under the new appeal process, will continue to require a significant amount of the Board's hearing time.

BOARD ORDERS

AR	NUMBER OF ORDERS	NUMBER OF APPLICATIONS DEALT WITH IN ORDERS
3	6162	6883
2	5755	6564
1	6279	6929

CABINET PETITIONS

AR	CARRIED OVER FROM PREVIOUS YEAR	*RECEIVED	CONFIRMED OMB DECISION	RESCINDED OMB DECISION	VARIED OMB DE- CISION	REQUIRED NEW HEARING	PETITION NOT PRO- CEEDED	CARRIED OVER TO NEXT YEAR
33	43	95	54	2	18	1	16	47
32	39	113	67	9	16	5	12	43
31	65	100	64	14	26	4	18	39

*More than one petition is
sometimes filed in relation
to the same OMB decision.

APPLICATIONS, APPEALS AND REFERRALS

The following table shows the number of files for applications, appeals and referrals received in 1983 and a comparison with the previous two calendar years:

<u>Type of Application, Appeal or Referral</u>	<u>1983</u>	<u>1982</u>	<u>1981</u>
1. (a) Restricted Area (Zoning) By-laws	1695	2002	2283
(b) Appeals of Council's Refusal to Amend Zoning By-laws	100	103	109
2. (a) Consent Appeals	405	427	---
(b) Minor Variance Appeals	455	425	---
	<hr/> 860	<hr/> 852	<hr/> 1122
3. Official Plans	125	192	208
4. Plans of Subdivision	56	61	52
5. Capital Expenditures of Municipalities & School Boards	1854	2254	2197
6. Assessment Appeals	3572	607	406
7. Land Compensation	69	82	122
8. Miscellaneous	69	187	204
9. Consolidated Hearings	4	11	1
	<hr/>	<hr/>	<hr/>
TOTAL	8404	6269	6582

FINANCIAL REPORT

REVENUE:

The Board has adopted, under section 99 of the Ontario Municipal Board Act, a tariff which establishes fees payable on various types of applications, appeals and referrals. The fees collected by the Board are paid to the Treasurer of Ontario.

The breakdown of fees for the 1983 calendar year is as follows:

Planning Matters	-	\$282,790.00
Capital Expenditures	-	306,060.80
Assessment Appeals	-	158,540.00
Miscellaneous	-	27,131.20
TOTAL		\$774,522.00

EXPENDITURE:

The Board's budget is provided within the estimates of the Ministry of the Attorney General on a fiscal year basis.

The following chart sets out the estimates for the 1982-83 and 1983-84 fiscal years:

ONTARIO MUNICIPAL BOARD
1982-83 and 1983-84 Estimates
(in \$000's)

Account	1982-83 Estimates	1982-83 Actual	1983-84 Estimates	1983-84 Forecast (as of December 31, 1983)
Salary & Wages	3,415.3	3,094.4	4,523.5	3,745.6
Employee Benefits	539.4	435.0	777.1	595.7
Transportation & Communications	386.5	289.0	479.2	432.1
Services	463.6	222.5	173.8	125.0
Supplies & Equipment	239.5	267.7	110.4	110.0
Transfer Payments	4.0	4.0	4.0	4.0
Total Activity	5,048.3	4,312.6	6,068.0	5,012.4

